

**AGENDA**  
**CUMBERLAND TOWN COUNCIL MEETING**  
**290 Tuttle Road, Town Hall**  
**Monday, July 12, 2004**  
**7:00 p.m. - CALL TO ORDER**

**I. APPROVAL OF MINUTES**

- a. June 16, 2004    b. June 28, 2004

**II. MANAGER'S REPORT**

**III. PUBLIC DISCUSSION**

**IV. LEGISLATION AND POLICY**

- 04 – 085.** To hold a public hearing regarding winter maintenance on private roads.
- 04 – 086.** To discuss use of the Curit property, Chebeague Island, including the requirements of a Contract Zone.
- 04 – 087.** To hold a public hearing to consider and act on an amendment to Sections 204.6, Local Business District (LB), and 204.7, Highway Commercial District (HC), of the Cumberland Zoning Ordinance to except home occupations from site plan review.
- 04 – 088.** To appoint members to the Twin Brook Advisory Committee
- 04 – 089.** To set the municipal tax rate for FY 2004/05.
- 04 – 090.** To set interest rate to be charged on delinquent sewer fees and real and personal property taxes.
- 04 – 091.** To authorize application of real estate tax payments to the oldest unpaid tax.
- 04 – 092.** To set rate at which interest will be paid on overpayment of real estate taxes.
- 04 – 093.** To authorize the Town Manager to borrow \$2 million in Tax Anticipation Notes.
- 04 – 094.** To approve a contract with the Town of Yarmouth for shared Code Enforcement Officer services
- 04 – 095.** To accept a \$2,000 donation to the Cumberland Police Department.

**V. NEW BUSINESS**

**VI. EXECUTIVE SESSION – MRSA, Title 1, Section 405(6)(A) re: Personnel matter**

**VII. ADJOURN**

MEMBERS OF THE TOWN COUNCIL					
William Stiles, Chairman	829-6679	<a href="mailto:wcstiles@maine.rr.com">wcstiles@maine.rr.com</a>	Donna Damon	846-5140	<a href="mailto:publicservant1@aol.com">publicservant1@aol.com</a>
Mark Kuntz	829-6482	<a href="mailto:chinook96@msn.com">chinook96@msn.com</a>	Harland Storey	829-3939	<a href="mailto:cstorey@gwi.net">cstorey@gwi.net</a>
Michael Savasuk	781-3061	<a href="mailto:mxslaw@maine.rr.com">mxslaw@maine.rr.com</a>	Jeffrey Porter	829-4129	<a href="mailto:mesit5@aol.com">mesit5@aol.com</a>
Stephen Moriarty	829-5095	<a href="mailto:smoriarty@nhdlaw.com">smoriarty@nhdlaw.com</a>	web:	<a href="http://www.cumberlandmaine.com">www.cumberlandmaine.com</a>	

**MINUTES**  
**CUMBERLAND TOWN COUNCIL**  
**Chebeague Island Hall & Community Center**  
**June 16, 2004**

**Call to Order at 7:10 pm**

**Attendance:** Chairman Bill Stiles, Vice Chair Storey, Councilors Moriarty & Damon

**Excused:** Councilors Porter, Kuntz and Savasuk

**Staff:** Harbormaster Ted Curtis, Police Officer Richard Brewer

**I. LEGISLATION & POLICY**

**04-76. To consider and act on amendments to the *Ordinance Relating to Roads and Town Owned Properties* regarding increases to parking fees at the Stone Wharf.**

Chairman Stiles opened the meeting by introducing council members present, and then asked Councilor Moriarty to give an overview of Item 04-076.

Councilor Moriarty stated that the Stone Wharf Committee has been meeting since the fall of 2001, dividing into small subcommittees, one of which was the parking committee. Issues discussed by the committees were the repair of the wharf and other structural improvements including a wave break. Parking was a major issue, but the repair of the wharf took priority.

He referred to the *Ordinance Relating to Roads & Town Owned Properties*, which is an existing ordinance. Revisions to Section 5 and Section 6 will be discussed tonight. He referred to the sketches on the back of the ordinance; sketch A shows the placement of the floats; sketch B showed the layout of the wharf itself and the end of Wharf Road which abuts the wharf. If the amended ordinance is adopted tonight, it will take affect immediately, under the Town Charter. It will be enforced by the Police Dept and Harbormaster. In the event there are major or minor proposed changes that can be handled tonight, those can be worked in and possibly agree on those changes. If there is something truly major and substantive that requires more work or evaluation on the part of the time, it is likely this would have to be put and the ordinance will need to be retooled. Our focus is to get this up and running tonight so we can hopefully address some of the parking related issues at the wharf.



The Stone Pier Committee met two weeks ago with an earlier draft of this ordinance; some polishing and wordsmithing have since been done. The Stone Pier Committee is pretty much in agreement with all of the recommended changes including parking.

Chairman Stiles reviewed the major parking changes in reference to fines: parking in a no parking area has gone from \$15 to \$20, overtime parking for more than 24 hours is up to \$20, parking in a handicapped parking space is \$50, and parking in a loading zone has gone from \$15 to \$20.

Public Discussion involved several issues:

- Parking spaces
- "NO PARKING" signs on Wharf Road to restrict parking on one shoulder and limit parking to 24 hours on the other shoulder.
- Haul-offs- limited to an area as designated on the Stone Wharf Plan
- Loading and unloading areas
- Parking limits on Stone Wharf Road
- Pedestrian safety zone
- Handicapped parking spaces
- Bicycle & motorized scooter parking- to be designated in spaces by Harbormaster and Police Officer
- Emergency vehicles- limited to times of emergency
- Float installation & removal – To maximize time in the water

Councilor Moriarty moved the adoption of the modifications and revisions to the Ordinance *Relating to Roads and Town Owned Properties* as set forth in the draft dated 06-16-04, with the following specific additional changes:

1. Section 5 (C) shall be revised as follows:

No person shall place or cause to be placed any boat on the deck or surface of any float or the Stone Wharf.

Except for the purposes of loading and unloading, it shall be unlawful for any person to place or cause to be placed any lobster trap or any other gear or object on the deck or surface of any float or the Stone Wharf for storage, drying, repair, or any other purpose, except as provided in Section 5 (G).

2. Section 5(D) shall be revised as follows:

No haul-offs or pulley lines shall be permitted at the Stone Wharf, except as shown on Attachment B.

3. Section 5(E), 4<sup>th</sup> paragraph, shall be revised as follows:

Bicycles shall be parked only at a rack to be placed on the Stone Wharf as determined by the Harbormaster.

4. Section 5(I), 2<sup>nd</sup> paragraph, shall be revised as follows:

Any person convicted of a violation of the provisions of this section shall be subject to a fine as listed in the "Schedule of Fines for Violations" attached to this Ordinance.

5. Section 6(C) shall be revised as follows:

...or any other gear or object on the deck of the Wharf or surface of all floats or parking area for storage, drying, repair, or any other purpose.

Seconded by Councilor Damon.

VOTE: UNANIMOUS 4-0

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## **II. OLD BUSINESS**

None

## **III. ADJOURN**

Chairman Stiles moved to adjourn the meeting at 9:07 pm.

Seconded by Councilor Damon

VOTE: UNANIMOUS 4-0

Respectfully Submitted,

Deborah Flanigan  
Dep Town Clerk



**MINUTES**  
**CUMBERLAND TOWN COUNCIL MEETING**  
**290 Tuttle Road, Town Hall**  
**Monday, June 28, 2004**

**6:00 p.m. – WORKSHOP** with Cumberland Mainland Island Trust.

**7:00 p.m. - CALL TO ORDER**

**Present:** Chairman Stiles, Councilors Savasuk, Damon, Storey, Kuntz, Moriarty, and Porter.

**I. APPROVAL OF MINUTES**

a. June 14, 2004

Motion by Councilor Moriarty to approve the minutes as presented;

Seconded by Councilor Damon.

VOTE: 6-0-1 (Councilor Porter abstained)

b. June 16, 2004

Motion by Councilor Moriarty to table;

Seconded by Councilor Damon.

VOTE: 6-0-1 (Councilor Porter abstained)

**II. MANAGER'S REPORT**

Work on the railroad crossings at Route 9 and Tuttle Road will be completed the week of July 12<sup>th</sup>. Greely and Crestwood Roads will be paved this week. The light bases in front of Town Hall have been removed this week, and the school department may be able to utilize them and transfer the savings to the new performing arts project, if approved. Met with the school's engineer regarding a possible sidewalk along the area in front of the Main Street Congregational Church. Thanked the church representatives for their cooperative efforts. "The citizens of the community will greatly benefit from this collaborative effort."

**III. PUBLIC DISCUSSION**

Gwen Frost, representing the Ladies Auxiliary of the Portland Eagles, presented a check for \$1,105 to the West Cumberland Fire Department. House Captain Harmon and Deputy Chief Francis Small received the check on behalf of the department, stating "We're usually here looking for money." Captain Harmon stated no final determinations have been made for the use of this donation, but the department is considering expansion of the kitchen area or air conditioning in the meeting room.

A member of the public asked for an update regarding a traffic light at Route 100 and Blackstrap Road. Manager Shane explained MDOT has been contacted and designs are underway at this time. "We hope to be out to bid this fall for a spring construction date."

#### IV. LEGISLATION AND POLICY

- 04 – 076. To hold a public hearing to consider and act on a Mass Gathering Permit and Victualer's licenses for the United Maine Craftsmen, Inc. to hold the 35<sup>th</sup> Annual Cumberland Craft Show, August 9 through 15, 2004.**

No public comment. Councilor Porter informed the council and public that he is a member of the Lions Club, a non-profit vendor slated to sell food during the fair.

Councilor Porter moved to approve the Mass Gathering Permit and Victualer's licenses for the United Maine Craftsmen Craft Show, August 9 through 15, 2004;

Seconded by Councilor Kuntz.

**VOTE:** UNANIMOUS 7-0

- 04 – 077. To hold a public hearing regarding a citizen request for a reduction in the speed limit on Forest Lake Road.**

Manager Shane stated the Town has no authority to set, reduce or increase any speed limit on any town road. Our first step is to conduct a public hearing to determine whether to move the request forward.

Public: Joanne Garland, 102 Forest Lake Road, spoke for herself and nine neighbors, stating she takes her "life in (my) hands" when attempting to go to her mail box. The neighbors are requesting a letter be sent to MDOT to lower the speed limit. She also requested the road be patrolled "on a more regular basis."

Mark Ranalletti and Cat Wallingford, 19 Island Avenue, explained the children in the area wait at the end of the road for the school bus. There is a "blind spot" which presents a serious safety concern for the children. Additionally, a second blind spot exists where there is no shoulder for a stretch of 2/10 of a mile, creating a very serious safety issue for frequent walkers and bikers. She also addressed the impact to the significant wildlife within the watershed area.

Councilor Kuntz referred to a fatality last year due to speeding, and suggested the corner "makes for a very dangerous situation. At least for that section of the road a 25 mph speed limit would be an improvement."

Motion by Councilor Porter to authorize the Town Manager to submit a request to MDOT  
For a reduction of the speed limit on Forest Lake Road;

Seconded by Councilor Kuntz.

**VOTE:** UNANIMOUS 7-0 PASSAGE

- 04 – 078. To consider and act on the annual Victualers license renewals.**

Motion by Councilor Porter to approve the victualer's licenses pending final inspections;  
Seconded by Councilor Damon.

**VOTE:** UNANIMOUS 7-0 PASSAGE



**04 – 079. To hear from the Town Manager regarding winter maintenance on private roads.**

Town Manager Shane stated Cumberland has nearly 170 private roads; 12 of which receive winter maintenance through a 1976 private/public easement. Another 17 roads began to receive services at a later date for reasons which are unclear. "I have no explanation why we're providing maintenance on private roads. It is illegal under state law. We've been skirting this issue for many, many years, and I think we need to address it." The town will continue to send snow plow and sand trucks ahead of all rescue or fire trucks in all emergency situations, but, he proposed, will not continue to plow private roads effective October 1, 2004. The manager will send a letter to the residents on the 17 private roads to inform them of a public hearing July 12<sup>th</sup> and August 9th regarding the discontinuance of winter maintenance services. "If there are public easements in place, we should know about that" he suggested, otherwise he would recommend discontinuance of winter maintenance.

Councilor Porter read the list of the seventeen roads as follows: Blanchard Road Extension (Moore's), Corey Road, Coveside Drive, Ferne Lane, Island Pond Road, Lanewood Road, Laurel Lane, Linden Court, Nubbin Way (Porteous Road), Ocean Terrace, Sanderson Road, Spruce Lane, Stockholm Drive, Sullivan Drive, Windy Hollow Way, Winterberry Court, and Woody Creek Lane, and stated he would "not stop at those 17" and would include the twelve contained in the private/public easement agreement.

Councilor Moriarty clarified that the town attorney has stated 12 roads were approved under a state statute provision that "allows for an annual vote to continue that approval. Every time we pass the annual budget we, in effect, extend that approval for another year." Manager Shane added that the attorney suggested an "implied public easement" may be in place as a result of over thirty years of maintenance. Councilor Moriarty inquired whether the town might provide continued winter maintenance services if the property owners on any of the 17 roads in question were to provide a public easement. Manager Shane responded affirmatively provided the roads could be brought to a minimum standard of acceptance and the town could maintain the roads without damaging equipment. Under those conditions, he would likely recommend the council consider continued maintenance.

Councilor Damon questioned whether any of the roads "access open space, Casco Bay tidal flats" or trail systems. She believes "a public benefit" would be derived from such a public easement. The Town Manager noted however that "if one out of the eleven homeowners on that road says I'm not interested, that doesn't happen," in other words, residents must be unanimous in order to grant the public easement.

The consensus of the council was to go forward and place this item on the next agenda.

At this time, Chairman Stiles took item 04-081 out of order.

**04 – 081. Town Council Committee Appointments.**

Chairman Stiles reviewed the existing council appointments and requested changes. Upon discussion, the following roster of appointments was approved:



**04 – 080. To set a date for Nominating Committee interviews regarding Twin Brook Advisory Committee.**

A brief discussion occurred regarding open dates for the Nominating Committee. The members agreed to Hold a meeting prior to the next council meeting. The Town Manager requested the Nominating Committee submit their slate of nominees at the July 12<sup>th</sup> council meeting.

**04 – 082. To receive a contract zone request from Dr. Hanson, 371 Tuttle Road.**

Dr. Hanson spoke to his project stating there are currently two apartments; one in the back building which has been occupied “prior to 1978 and steadily since then” and another above the office itself, which is unoccupied. The “health” of the building has caused him uncertainty as to “how to invest in it to save it.” Each apartment will approximate 1,000 square feet. “This would be renovation and restoration with a lot of new wood...intended to approximate the current appearance as close as possible.” Manager Shane noted the town planner has stated the plan is consistent with the town’s comprehensive plan, and Dr. Hanson has indicated his willingness to “work with the town on retaining the architecture.” The Manager further explained these apartments will be “affordable units providing a great resource in the community where rental housing is desperately lacking. We encourage you to go to the next step to get some input from the Planning board.”

Councilor Porter thanked Dr. Hanson for a proposal which will “make it more affordable for citizens to live here. What you’re doing is absolutely on target.” Chairman Stiles believes the proposal will fit in with the architecture of the town. Councilor Savasuk requested the Planning Board address the issue of standards “to allow the council to impose contract zoning.”

Councilor Moriarty moved the contract zone request be referred to the Planning Board for recommendation and input to the council;

Seconded by Councilor Porter.

VOTE: UNANIMOUS 7-0 PASSAGE

**04 – 083. To set a public hearing date to consider and act on an amendment to Sections 204.6, Local Business District (LB), and 204.7, Highway Commercial District (HC), of the Cumberland Zoning Ordinance, to except home occupations from site plan review.**

Councilor Kuntz moved to set a public hearing date of July 12, 2004;

Seconded by Councilor Damon.

VOTE: UNANIMOUS 7-0 PASSAGE

**04 – 084. To receive a request from the Town Clerk to establish an alternate location for the mainland polling place.**

No action taken until such time as the clerk brings forward a recommended alternate site.



# TOWN OF CUMBERLAND

## TOWN COUNCIL ASSIGNMENTS

**2004/05**

Archangel Committee	no appt necessary
Chebeague Island Library Board of Trustees	Councilor Damon
Cumberland/Yarmouth Joint Standing Committee	Councilor Damon
	Councilor Moriarty
CPCOG	Councilor Moriarty
Nominating Committee	Councilor Porter
	Councilor Moriarty
	Councilor Kuntz
Prince Memorial Library Advisory Board	Councilor Moriarty
Recreation/Comm. Ed. Advisory Board	Councilor Savasuk
Regional Waste Systems Board	Susan McGinty
	Manager Shane - alternate
Budget	Councilor Stiles
Val Halla Board of Trustees	Councilor Stiles
Liaison to Board of Appeals	Councilor Storey
Liaison to Conservation Committee	Councilor Moriarty
Liaison to Falmouth/Cumberland COC	Manager Shane
Liaison to Planning Board	Councilor Porter
Liaison to Solid Waste Advisory Committee	Councilor Porter
Liaison to CHAT (SAD 51)	no appt necessary
Liaison to Islands Committee	Councilor Damon
Liaison to Cable TV Regulatory Board	Councilor Porter
Cousins Island/Wharf Agreement Committee	Councilor Moriarty
	Councilor Damon
Housing Commission	Councilor Stiles
County Budget Committee	Councilor
Stone Wharf Committee	Councilor Moriarty
	Councilor Damon
	Councilor Savasuk
Rines Forest Committee	Councilor Stiles
	Councilor Moriarty
	Councilor Porter
Regionalization Committee	Councilor Stiles
	Councilor Moriarty

Motion by Councilor Moriarty to reappoint the slate as we have adjusted it tonight;

Seconded by Councilor Kuntz.

VOTE: UNANIMOUS 7-0

## V. NEW BUSINESS

**Councilor Savasuk** – none

**Councilor Damon** – referred to the letter from the Mayor of Brewer regarding the Palesky tax referendum suggesting we get more info and “have an opportunity to talk about it in the future.” The Chebeague Historical Society is opening their second exhibit on July 3<sup>rd</sup>. The Chebeague Inn is open and the work they’ve been able to do in nine months is “incredible.”

**Councilor Storey** – He was invited to a pot luck supper with the Historical Society and challenged them with locating the oldest citizen in Cumberland, which they eagerly accepted. The Historical Society has requested the council consider presenting the Boston Cane at their annual meeting.

**Councilor Kuntz** – Congratulated Chairman Stiles on running the meetings.

**Chairman Stiles** – none

**Councilor Moriarty** – also referred to the letter from the Brewer Mayor, and asked the Town Manager to report on it at a future meeting.

**Councilor Porter** – suggested the Brewer initiative “has nothing to do with tax relief ... it has to do with public perception. We should discuss it because this document in and of itself does nothing to help with property tax relief.” Thanked the Town Manager for removing the lights in front of Town Hall. Thanked the Town Manager and Adam Ogden, Public Works Director, for their work on the Route 9 intersection improvements to get “a rather sticky situation resolved.”

**Manager Shane** – Updated the council on (1) a \$3-5,000 vandalism at the Val Halla Golf Course last Wednesday evening. Despite the vandalism, the staff “had the tournament running that day by 8:30 a.m.” (2) This past week was the annual GPCOG meeting where three awards were presented to the Town of Cumberland in the areas of regionalization; Storm Water II program, and Coastal and Center Corridors efforts. (3) Burn on Main Street by the Fire Department – a training exercise in building donated by Martha Porch. (4) Staff will be assigned beginning this week at the Stone Wharf to assist the Harbor Master and Officer Brewer with boat tie-ups. (5) The town will “go online in August” with our auto registration. Tammy O’Donnell is working with the state to coordinate it in the next six weeks. Citizens will be able to register their vehicles online. We are also scheduled to add the island registration component in the near future. (6) A July 15<sup>th</sup> non-televised workshop will be held to discuss a pay-as-you-throw program. (7) The tax cap initiative will be on the November ballot and unfortunately many people are uninformed on the consequences. The tax reduction will create a dramatic reduction in level of services. “The town services and what you expect from Cumberland will dramatically change. We will begin aggressively in September to bring people in to talk about the consequences and look at scenarios. What happens... and how... The interesting thing is that former Senator Phil Harriman of Yarmouth has reported that any community can override the tax cap with a two-thirds vote. That’s accurate but there’s no mechanism for collecting the fees. We can’t lien your property if you don’t pay. Future bonds can not be added to the tax rate. This September and October you will be bombarded with information. I’m nervous the quality of education and services can come toppling down in a very short time. When you compare California to Maine it’s not even apples and oranges. They have the ability to tax at a local level, which we do not have in Maine. We are looking at ways to improve services with regional efforts and will continue to do so regardless of the outcome of this initiative.”



## **VI. ADJOURN**

Motion by Councilor Kuntz to adjourn;

Seconded by Councilor Savasuk.

VOTE: UNANIMOUS 7-0 PASSAGE

TIME: 8:33 p.m.

Respectfully submitted,

Nadeen M. Daniels, CMC  
Town Clerk

# MOTIONS

- 04 – 085.** I move to hold a second public hearing on Monday, August 9, 2004 to regarding winter maintenance on private roads.
- 04 – 086.**
- 04 – 087.** I move to adopt the amendments to Section 204.6, Local Business District and 204.7, Highway Commercial District, of the Cumberland Zoning Ordinance to except home occupations from site plan review.
- 04 – 088.** I move to appoint .... to the Twin Brook Advisory Committee.
- 04 – 089.** I move to set the tax rate at \$\_\_\_\_\_ for FY 2004/05.
- 
- 04 – 090.** I move to set at 6.5% the interest to be charged on delinquent sewer fees and real and personal property taxes.
- 04 – 091.** I move to authorize the application of real estate tax payments to the oldest unpaid tax.
- 04 – 092.** I move to set at 2.5% the interest rate to be paid on the overpayment of real estate taxes.
- 04 – 093.** I move to authorize the Town Manager to borrow \$2 million in Tax Anticipation Notes.
- 04 – 094.** I move to approve a contract with the Town of Yarmouth for shared Code Enforcement Officer services.
- 04 – 095.** I move to accept a donation in the amount of \$2,000 for the Cumberland Police Department.

PERMISSION & LICENSE TO ENTER  
UPON ROAD AND RELEASE

In consideration of the Town of Cumberland's provision, in its exclusive judgment and without obligation to so provide or to continue to so provide, of winter maintenance, which term includes but is not limited to snow plowing, salting and sanding services, for the road upon which my/our residence is located, I/We, the undersigned owner(s) of a residence located on

365 Blanchard Road  
(Road Address)

a road in the Town of Cumberland, Maine, do hereby represent that I/We own a portion or all of said road or have the right to pass over said road. I/We do hereby grant permission and license to the Town of Cumberland and its inhabitants to pass and repass over all portions of said road owned by us in the same manner and to the same extent as if said road were a public easement, for a period of one year from the date of this instrument. This license shall be renewed for additional one (1) year terms automatically unless we, or our heirs, grantees, successors, or assigns notify the Town of Cumberland in writing of the termination of this license at least forty-five (45) days before the expiration of the initial term or any renewal thereof.



It is expressly understood and agreed that this license, or any renewals thereof, either alone or in combination does not convey and shall not create a permanent public easement or private way by conveyance, by adverse possession, or by any other manner, and is intended to create a license for a limited term.

We do hereby also grant permission to the Town of Cumberland, its officers, agents and employees to enter upon said road with men and machines for purposes of winter maintenance of said road. I/We recognize that the Town of Cumberland's municipal officers reserve the right to terminate or modify winter maintenance or services for said road at any time, and that this document is not a contract between the Town of Cumberland and the undersigned, but is an inducement to the Town of Cumberland to provide winter maintenance services for said road. I/We recognize that the Town of Cumberland may require public liability insurance prior to the provision of winter maintenance services for said road.

I/We have read this document carefully, and sign it voluntarily with full knowledge of its significance.

Dated at Cumberland, Maine this 23rd day of November, 1988.

WITNESS:

[Signature]

[Signature]  
Robert J. Piampiano

[Signature]  
Brenda T. Piampiano



# M E M O R A N D U M

P L A N N I N G   D E P A R T M E N T  
T O W N   O F   C U M B E R L A N D ,   M A I N E

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Date: July 12, 2004  
To: Bill Shane, Town Manager  
Cc: Cumberland Town Council  
From: Carla Nixon, Planning Director  
Subject: **Grant Application Authorization**

Bill, as we discussed this morning, I am writing to ask that the Town Council add an agenda item to tonight's meeting. The item would be to authorize the submission of a Department of Economic and Community Development Planning Grant for funding to conduct a market study on the need and type of affordable housing on Chebeague Island.

I just learned today that the Council is not planning to hold its July 26<sup>th</sup> meeting, and the deadline for grant applications is August 6<sup>th</sup>. I have spoken with the Director of Economic and Community Development, Ormand Whitcomb, and he is agreeable to my submitting the record of the public hearing on this issue after the Council meeting on August 9<sup>th</sup>. However, he did ask that the Council indicate its support tonight so that the application can be submitted in time.

This grant would provide up to \$10,000 for the market study to be conducted. There is no town match required. If the Town is successful in scoring high enough to be eligible for funding (this is a competitive process with point scoring) then the Town will be invited to proceed to the Project Development Stage.

The Cumberland Islands Committee is in support of this grant. Everyone agrees that it is imperative that we clearly determine if there is an actual need for the development of affordable housing on Chebeague Island, and if so, what type? Should it be senior housing, single family, or duplexes? Should they be owned by the occupants or rented through the Housing Authority? And it is very important that we figure out the best way to maintain long term affordability.

I hope that this memo provides sufficient information for the Council to act favorably on this tonight. Beth Howe will be present at the meeting to address any questions that might arise.



## SECTION III - COMMUNITY PLANNING GRANT PROGRAM COVER SHEET

### A. Applicant Identification

Applicant Town of Cumberland  
Street/P.O. Box 290 Tuttle Rd.  
Town/City Cumberland  
Zip Code 04021 Tel: 829-2206 e-mail: cnixon@  
cumberlandmaine.com

### B. The Applicant Certifies That:

#### 1. State Certifications

- a. To the best of my knowledge and belief, the information in this Application is true and correct;
- b. the governing body of the applicant has duly endorsed the document;
- c. the proposed project has been reviewed and it complies with the Community's comprehensive plan and/or applicable state and local land use requirements;
- d. it will work with the Office of Community Development to develop a detailed project if it receives a conditional award; and
- e. it will comply with all applicable State laws and regulations.

#### 2. Federal Certifications

- a. it will take actions to affirmatively further fair housing and implement CDBG activities in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968;
- b. it will not attempt to recover capital costs for the construction of public improvements, assisted in whole or in part with CDBG funds, by charging special assessments or fees against properties owned and occupied by persons of low and moderate income, including any fee, charge or assessment made as a condition of obtaining access to such public improvements, unless:
  - (i) CDBG funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than CDBG funds; or
  - (ii) for purposes of assessing any amount against properties owned and occupied by persons of low and moderate income who are not persons of very low income, and the applicant certifies that it lacks sufficient CDBG funds to comply with the requirements of clause (i) above.
- c. prior to expenditure of CDBG funds, it will establish a local community development plan that identifies the Community's housing and community development needs,

including the needs of low and moderate income, and the activities to be undertaken to meet them;

d. it will provide in a timely manner for citizen participation, public hearings, and access to information with respect to the Maine Small Cities CDBG Program and the proposed local CDBG project/program. Indicate in public notices and at public hearings that the State program is competitive, the maximum grant amount that can be requested, and the general type of activities contained in the proposed local program. Also announce in public notices the availability of the local program plan/application, describe the Community's previous CDBG performance (if any), and how the Community will collect, consider and maintain all oral and written comments received on the proposal;

e. it will adopt and follow a residential anti-displacement and relocation assistance plan which complies with Section 104 (d) of the Housing and Community Development Act of 1974, as amended, that at a minimum provides for the replacement of all low/moderate income dwelling units that are demolished or converted to a non-LMI housing use as a direct result of CDBG assistance, and a relocation assistance component;

f. it will comply with the requirements of Section 319 of Public Law 101-121 regarding government-wide restrictions on lobbying; and

g. with the exception of administrative or personnel costs, it will verify that no person who is an employee, agent, consultant, officer, or elected official or appointed official of state or local government or of any designated public agencies, or subrecipients which are receiving CDBG funding may obtain a financial interest or benefit, have an interest in or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect to CDBG activities.

**Signature of Single Applicant or Lead Applicant of a Multi-Jurisdictional Application**

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Signature and Title of Chief Executive Officer

Unit of General Local Government

Date



**Signature of Each Participating Applicant in a Multi-Jurisdictional Application**

Not Applicable

Signature and Title of Chief Executive Officer

Unit of General Local Government

Date

Signature and Title of Chief Executive Officer

Unit of General Local Government

Date

Signature and Title of Chief Executive Officer

Unit of General Local Government

Date

Signature and Title of Chief Executive Officer

Unit of General Local Government

Date

## SECTION IV - DESIGNATION OF PROGRAM AND NATIONAL OBJECTIVE SHEET

### Program Designation

1. Is this a multi-jurisdictional application?

\_\_\_ Yes ☒ No

2. If yes, has one local government been designated as the lead applicant?

\_\_\_ Yes \_\_\_ No

3. If yes, have all participating or benefiting local governments signed the Cover Sheet/Certification Form?

\_\_\_ Yes \_\_\_ No

4. Specify which category your planning project relates to:

☐ Public Facilities/Public Infrastructure

☐ Economic Development

☒ Housing

☐ Tourism Opportunities

☐ Downtown Revitalization

☐ Historic Preservation

☒ Other (List) preserving a year-round community on an island that is rapidly losing its affordable housing.

### Designation of National Objective

If the project that was assisted with CPG funds were implemented, it would meet one of the following National Objectives of the CDBG Program (Check the appropriate National Objective):

☒ Benefit to Low and Moderate Income Persons

☐ Eliminate Slum/Blight Conditions

Explain how the above objective will be met:

The grant money would be used to conduct a formal market study to determine the need for affordable housing on Chebeague Island. Once that is determined, work will be done to determine

the type needed (i.e., senior, 1st time buyers) and also establish a framework to maintain long-term affordability of the units.



\*\*\*\*\*  
 \*\*\* ACTIVITY REPORT \*\*\*  
 \*\*\*\*\*

ST. TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
*07/08 02:24	97813640		1637	TRANSMIT ECM	5	OK 00'47
*07/08 02:41	1 207 871 0384		6324	AUTO RX ECM	1	OK 00'29
*07/08 03:45	912072873424		1638	TRANSMIT ECM	2	OK 00'40
*07/08 04:12	912076265947	ME. MUNICIPAL AS	1639	TRANSMIT ECM	1	OK 00'22
*07/08 21:38			6325	AUTO RX G3	1	OK 00'48
*07/08 21:42	2077614798		6326	AUTO RX ECM	1	OK 00'27
*07/08 23:22	2077873853	QCC	6327	AUTO RX ECM	3	OK 00'44
*07/08 23:53	912076260513		1640	TRANSMIT ECM	1	OK 00'20
*07/08 23:59	97812060		1641	TRANSMIT ECM	3	OK 00'52
*07/09 00:50	97614013		1642	TRANSMIT G3	14	OK 05'02
07/09 00:57	2078295373		6328	AUTO RX ECM	2	OK 01'13
07/09 02:04	912076260513		1643	TRANSMIT ECM	11	OK 02'08
07/09 02:50	916787954095	ACE USA	1644	TRANSMIT ECM	4	OK 00'41
07/09 03:12	97614013		1645	TRANSMIT G3	12	OK 04'04
07/09 03:57			6329	AUTO RX G3	1	OK 00'47
07/09 20:12	912075828029		1646	TRANSMIT ECM	8	OK 03'29
07/09 21:12	97813283		1647	TRANSMIT ECM	1	OK 00'19
07/09 21:13	97812060		1648	TRANSMIT ECM	1	OK 00'30
07/09 21:14	98466828		1649	TRANSMIT ECM	1	OK 00'31
07/09 21:15	97916920	PRESS HERALD NEW	1650	TRANSMIT ECM	1	OK 00'19

\*\*\*\*\*  
 \*\*\* ACTIVITY REPORT \*\*\*  
 \*\*\*\*\*

ST. TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
*07/08 23:53	912076260513		1640	TRANSMIT ECM	1	OK 00'20
*07/08 23:59	97812060		1641	TRANSMIT ECM	3	OK 00'52
*07/09 00:50	97614013		1642	TRANSMIT G3	14	OK 05'02
*07/09 00:57	2078295373		6328	AUTO RX ECM	2	OK 01'13
*07/09 02:04	912076260513		1643	TRANSMIT ECM	11	OK 02'08
*07/09 02:50	916787954095	ACE USA	1644	TRANSMIT ECM	4	OK 00'41
*07/09 03:12	97614013		1645	TRANSMIT G3	12	OK 04'04
*07/09 03:57			6329	AUTO RX G3	1	OK 00'47
*07/09 20:12	912075828029		1646	TRANSMIT ECM	8	OK 03'29
*07/09 21:12	97813283		1647	TRANSMIT ECM	1	OK 00'19
*07/09 21:13	97812060		1648	TRANSMIT ECM	1	OK 00'30
*07/09 21:14	98466828		1649	TRANSMIT ECM	1	OK 00'31
*07/09 21:15	97916920	PRESS HERALD NEW	1650	TRANSMIT ECM	1	OK 00'19
07/09 21:31	912076260513		1651	TRANSMIT ECM	1	OK 00'23
07/09 22:28	912076260513		1652	TRANSMIT ECM	1	OK 00'15
07/09 22:54	12075828029		1653	TRANSMIT	0	NG 00'00
					0	STOP
07/09 22:55	912075828029		1654	TRANSMIT ECM	1	OK 00'31
07/09 23:00	92876396		1655	TRANSMIT ECM	2	OK 00'20
07/12 20:43	207 829 3743		6330	AUTO RX ECM	1	OK 00'21
07/12 21:14	97757935		1656	TRANSMIT ECM	27	OK 04'37

*Ken Cole*



July 9, 2003

Mr. Terry Bragg  
44 Old Mill Road  
Falmouth, ME 04105

Dear Terry:

Please be advised that the Town Council will hold a WORKSHOP to review Section 8, Street Design and Construction Standards, of the Cumberland Subdivision Ordinance, regarding road acceptance policies.

The workshop will begin promptly at 6:00 p.m. on Monday, July 14, 2003, and will be held in the Town Council Chambers, 290 Tuttle Road.

Interested parties are invited and encouraged to attend and will be provided an opportunity for comment.

Sincerely,

Jeffrey Porter  
Council Chairman

Terry Bragg, Inc.  
44 Old mill Rd.  
Falmouth, me 04105

Peter Kennedy  
18 Carroll st.  
Falmouth, ME 04105

~~Steph~~  
Stephen Goodrich  
875 Princess Pt. Rd.  
YARMOUTH, ME 04096

Normand Berube Builders, Inc.  
10410 Portland Rd. Suite 2  
Saco, ME 04072

Julie Jordan  
2 Balsam Dr.  
Cumberland, ME 04021

Chase Custom Homes, Inc.  
1 Percy Hawkes Rd.  
Windham, ME 04062

LSH Holdings, Inc.  
P.O. Box 470  
Cumberland, ME 04021



Jerome + Carol Watts  
619 Pleasant Valley Rd  
Cumberland, ME 04021

Grindi Real Estate  
P.O. Box 10715  
Portland, ME 04104

~~Spt~~ Spaldero Co LLC  
P.O. Box 402  
Cumberland ME 04021

~~Custom Design & Building  
P.O. Box 232  
Cumb. ME 04021~~

~~LSH Holding Inc  
P.O. Box 470  
Cumb. ME 04021~~

Joanne Jordan  
P.O. Box 19  
Cumb. ME 04021

July 7, 2004

As a Town taxpayer and concerned citizen I would hope that the dirt road to the driveways of 15 & 19 Wildwood Blvd are included in the unpaved private roads that no longer going to be maintained relative to snow plowing/sanding as of this date. I have observed the Towns smaller red plow truck plowing snow on this private street for many years with possible resulting damage to the plow as it comes in contact with the ends of the two paved driveways. Lets hope you will correct this injustice.

received  
7-9-04



File - Private Road  
Discontinue  
Winter  
Maintenance

July 1, 2004

**RE: Discontinuance of Winter Maintenance by the Town**

**Dear Homeowner:**

The Cumberland Town Council will be holding public hearings beginning on July 12<sup>th</sup> and August 9, 2004 to discuss the discontinuance of winter maintenance on private roads throughout the Town. Your road has been one which has been maintained by the Town in the winter months. Under State Law, the Town is not permitted to expend public funds or services on private roads unless there is an emergency.

The Town will continue to send snow plow and sand trucks ahead of all rescue or fire trucks in all emergency situations, but will not continue to plow private roads effective October 1, 2004.

Presently, there are 151 private roads in Town which receive no winter maintenance. It is unclear to me how 17 additional private roads were eligible to receive winter maintenance services.

I would encourage you to speak with your elected officials about this change in policy and attend the meeting on July 12<sup>th</sup> and August 9<sup>th</sup> to have your concerns heard.

Sincerely,

William R. Shane  
Town Manager

**Impacted Roads:**

Blanchard Road Ext (Moore's); Corey Road; Coveside Drive; Ferne Lane; Island Pond Road; Lanewood Road; Laurel lane; Linden Court; Nubbin Way (Porteous Rd); Ocean Terrace; Sanderson Road; Spruce Lane; Stockholm Drive; Sullivan Drive; Windy Hollow Way; Winterberry Court; and Woody Creek Lane.



Private Roads - No Maintenance

Private Roads - No Maintenance											
1	Aaron's Wharf Road	Private	nm	60	Hilltop Lane	Private	nm	119	Spring Road	Private	nm
2	Adam's Way	Private	nm	61	Hopes Way	Private	nm	120	Springette's Road	Private	nm
3	Alder Way	Private	nm	62	Huddum Circle	Private	nm	121	Spruce Point View Road	Private	nm
4	Allens Court Way	Private	nm	63	Interurban Drive	Private	nm	122	Stanhope Lane	Private	nm
5	Amandas Way	Private	nm	64	Intimidator Lane	Private	nm	123	Stepping Stone Lane	Private	nm
6	Amy Lane	Private	nm	65	James Way	Private	nm	124	Stirling Way	Private	nm
7	Andrea Way	Private	nm	66	Jessie's Lane	Private	nm	125	Stratton Woods Lane	Private	nm
8	Anglers Drive	Private	nm	67	Juniper Lane	Private	nm	126	Strawberry Ridge Lane	Private	nm
9	Apple Blossom Way	Private	nm	68	Juniper Lodge Road	Private	nm	127	Sunnyfield Lane	Private	nm
10	Archer Lane	Private	nm	69	Jusam Way	Private	nm	128	Sunset Ridge	Private	nm
11	Artist Point Road	Private	nm	70	Labrador Lane	Private	nm	129	Sunset Road	Private	nm
12	Ashley Lane	Private	nm	71	Lessing Road	Private	nm	130	Tall Pines Way	Private	nm
13	Avon Street	Private	nm	72	Lockwood Lane	Private	nm	131	Tammy Lane	Private	nm
14	Back Shore Road	Private	nm	73	Lupine Lane	Private	nm	132	Thomes Way	Private	nm
15	Ballard Road	Private	nm	74	Mackworth Lane	Private	nm	133	Tinker Lane	Private	nm
16	Bayberry Lane	Private	nm	75	Maine Central Avenue	Private	nm	134	Treleaven Way	Private	nm
17	Ben Webber Road	Private	nm	76	Maloney's Ridge Way	Private	nm	135	True Spring Drive	Private	nm
18	Birkdale Road	Private	nm	77	Maurice Way	Private	nm	136	Turnberry Drive	Private	nm
19	Blackberry Lane	Private	nm	78	Mayflower Drive	Private	nm	137	Walker Road	Private	nm
20	Bluff Head Road	Private	nm	79	Meeting House Lane	Private	nm	138	West View Road	Private	nm
21	Brentwood Drive	Private	nm	80	Merion Way	Private	nm	139	Western Landing Road	Private	nm
22	Broad Reach Road	Private	nm	81	Morgan Lane	Private	nm	140	Whaleboat Lane	Private	nm
23	Brookwood Lane	Private	nm	82	Moulton Beach Road	Private	nm	141	Whispering Pines Way	Private	nm
24	Browning Way	Private	nm	83	Muirfield Road	Private	nm	142	Wild Apple Lane	Private	nm
25	Butterworth Farm Road	Private	nm	84	Mystical Way	Private	nm	143	Wild Way	Private	nm
26	Buxhill Boulevard	Private	nm	85	Niblic Circle	Private	nm	144	Wildflower Way	Private	nm
27	Carters Point Road	Private	nm	86	Oak Lane	Private	nm	145	Will Ross Lane	Private	nm
28	Catalpa Lane	Private	nm	87	Old Farm Road	Private	nm	146	Willow Street	Private	nm
29	Channel Rock Lane	Private	nm	88	Olivia Lane	Private	nm	147	Wilson Road	Private	nm
30	Church Lane	Private	nm	89	Patridge Drive	Private	nm	148	Woodlands Way	Private	nm
31	Cider Hill Lane	Private	nm	90	Petticoat Lane	Private	nm	149	Worthen Drive	Private	nm
32	Clugston Drive	Private	nm	91	Pond Road	Private	nm	150	York Ledge Drive	Private	nm
33	Crossman Lane	Private	nm	92	Porcupine Ridge	Private	nm	151	Zaugg Lane	Private	nm
34	Curit Farm Road	Private	nm	93	Preston Way	Private	nm				
35	Daffodil Lane	Private	nm	94	Proctor Drive	Private	nm				
36	Deer Point Road	Private	nm	95	Puddle Duck Drive	Private	nm				
37	Deer Run Drive	Private	nm	96	Racehorse Drive	Private	nm				
38	Durgin Lane	Private	nm	97	Rangers Way	Private	nm				
39	Eagle Road - Island	Private	nm	98	Ravine Drive	Private	nm				
40	Eagles Way - Mainland	Private	nm	99	Rickers Head Road	Private	nm				
41	Evergreen Lane	Private	nm	100	Ridge Road	Private	nm				
42	Fairgrounds Road	Private	nm	101	River Way	Private	nm				
43	Fairwind Lane	Private	nm	102	Road 2	Private	nm				
44	Fairwind Lane Extension	Private	nm	103	Road 3B	Private	nm				
45	Falcon Drive	Private	nm	104	Rosa Lane	Private	nm				
46	Farms Edge Way	Private	nm	105	Ruel Road	Private	nm				
47	Flag Avenue	Private	nm	106	Sanderson Point Road	Private	nm				
48	Frankie Lane	Private	nm	107	Sandy Point Road	Private	nm				
49	Frost Ridge Drive	Private	nm	108	Santiago Way	Private	nm				
50	Gayles Way	Private	nm	109	Sawyer Lane	Private	nm				
51	Grange Road	Private	nm	110	Sawyer Road	Private	nm				
52	Granite Ridge Road	Private	nm	111	Schuster Road	Private	nm				
53	Great Cove Road	Private	nm	112	Secret Road	Private	nm				
54	Hamilton Hotel Road	Private	nm	113	Serenity Way	Private	nm				
55	Harmon Way	Private	nm	114	Shaw Farm Road	Private	nm				
56	Haskell Drive	Private	nm	115	Shermans Road	Private	nm				
57	Hazeltine Drive	Private	nm	116	Shirley Lane	Private	nm				
58	Henry Road	Private	nm	117	Snitger Way	Private	nm				
59	Hill Top Road	Private	nm	118	Spears Hill Lane	Private	nm				

### Private Roads - Winter Maintenance

Private Roads - Winter maintenance					Location	Seasonal	Feet		
Plowing Year			'76	'88	Current		Winter		
		Private	yes	yes	yes	F	sw	840	
1	Broad Cove Way	Private	yes	yes	yes	W	sw	0	
2	Canal Avenue	Private	yes			C	sw	0	
3	Corey Road (Upper Portion)	Private	yes	yes	yes	F	sw	1,425	
4	Dean's Way	Private	yes		yes	W	sw	715	
5	Forest Avenue	Private	yes	yes	yes	W	sw	250	
6	Hill Street	Private	yes	yes	yes	W	sw	1,100	
7	Island Avenue	Private	yes	yes	yes	W	sw	950	
8	Lake Avenue	Private	yes	yes	yes	W	sw	350	
9	Lake Road	Private	yes	yes	yes	F	sw	3,050	
10	Russell Road	Private	yes	yes	yes	F	sw	1,350	
11	Starboard Lane	Private	yes	yes	yes	F	sw	1,250	
12	Sturdivant Road	Private	yes	yes	yes			11,280	2.1 miles
1	Blanchard Rd Ext (Moore's)	Private		yes	yes	W	sw	1,100	
2	Corey Road	Private	yes	yes	yes	C	sw	2,100	
3	Coveside Drive	Private		yes	yes	F	sw	1,200	
4	Ferne Lane	Private		yes	yes	F	sw	525	
5	Island Pond Road	Private		yes	yes	F	sw	1,400	
6	Lanewood Road	Private		yes	yes	F	sw	1,500	
7	Laurel Lane	Private		yes	yes	C	sw	0	
8	Linden Court	Private Condo		yes	yes	C	sw	528	
9	Nubbin Way (Porteus Rd)	Private		yes	yes	F	sw	1,100	
10	Ocean Terrace	Private		yes	yes	F	sw	510	
11	Sanderson Road	Private		yes	yes	F	nm		
12	Spruce Lane	Private		yes	yes	F	sw	1,550	
13	Stockholm Drive	Private		yes	yes	C	sw	925	
14	Sullivan Drive	Private		yes	yes	C	sw	1,500	
15	Windy Hollow Way	Private		yes	yes	W	sw	2,000	
16	Winterberry Court	Private Condo		yes	yes	C	sw	800	
17	Woody Creek Lane	Private		yes	yes	C	sw	2,500	
								19,238	3.6 Miles



# PUBLIC NOTICE

---

received  
7-12-04

26 Sullivan Akr.  
Cumberland  
Maine 04021

July 7, 2004

Hear Town officials,

I am unable to make the meeting regarding the plowing of private roads in town, but I would like you to know my opinion.

I feel that Sullivan Akr., Corey Rd., and Brook Rd. are all grandfathered roads and you should continue to service them. Actually, all you do to "maintain" our road is to plow us after a major storm, only after the main roads are done, you swing back on occasion, and you very sparingly sand.

You no longer use the road grader, you don't keep our ditches open, you don't pay for culverts, and you don't use town dirt to fill our potholes.

The main road for our properties used to be part of Range Road, which ran down the hill from Harris, behind our houses,



Came out by Crawford's garage, behind Bolduc's old house, into the curve on Cross Rd., and straight onto Range Rd.

When Route 9 was put in and Range Rd. discontinued, the dirt to build the new road came from two sandpits on my property, and our new driveway (Sullivan Rd.) had been maintained ever since.

One time, when I was still in school, you had suggested the plowing be stopped, and my father, Howard Greer, and John Sullivan went to meeting to argue that it was grandfathered, that there is a registered farm pond for fire department use, that there were handicapped people here, and animals, and you're considered.

Another time you said only roads with three houses, then it was four, would be plowed, and we have four houses here, and in those four houses are toddlers, a handicapped person, a disabled person, and senior citizens, and



it would create a hardship on these people, as well as extreme risk should there be an emergency. If your plow truck was in another area of town, by time it got to our road, in bad traffic from slippery roads, ahead of the rescue or fire trucks, we could be burned out or dead!

Do you remember when Coke Corey's barn burned? If it had been in winter and had to wait for a plow truck, Coke + Ella could have lost everything.

I'm 54 yrs. old and as far back as I can remember, the town has always plowed us — not individual drives, but a break out and winged back, and some storms even had to be dug out with the Michigan loader. Should we ever have a big storm such as that again, we'd be screwed! Our plows and snowblowers would never handle it, and for



what it would cost to hire someone, we'd all go broke.

For what you charge for taxes, and for what little you do to "maintain" - I see no reason to stop breaking us out in winter.

It's not like you come up our driveway every time the plow goes down the road!

Sincerely,

Joy Andreassen

**TAN BIDS - July 12, 2004**

ON A LUMP SUM BASIS

BANK	INTEREST RATE	TOTAL COST
Peoples	2.00	37,777.78
Key Bank	2.36	44,580.80
Maine Bank & Trust	2.20	41,555.56

ON AN AS NEEDED BASIS

BANK	INTEREST RATE
Peoples	2.00
Key Bank	No Bid
Maine Bank & Trust	2.20



**TOWN OF CUMBERLAND, MAINE**

290 Tuttle Road  
Cumberland, ME 04021  
(207) 829-2205

**Cumberland Tax Anticipation Note Proposal Form**Name of Bank/Institution BankNorth, N.A.1. Interest rate for principal amount of \$2,000,000 (Lump Sum) 2.0%Amount of interest calculated on a 30/360 day basis from July 20, 2004 to June 30, 2005 \$ 37,777.782. Interest rate for principle amount of \$2,000,000 (as needed basis) 2.0%☐ We are not interested in bidding on the TAN at this time.

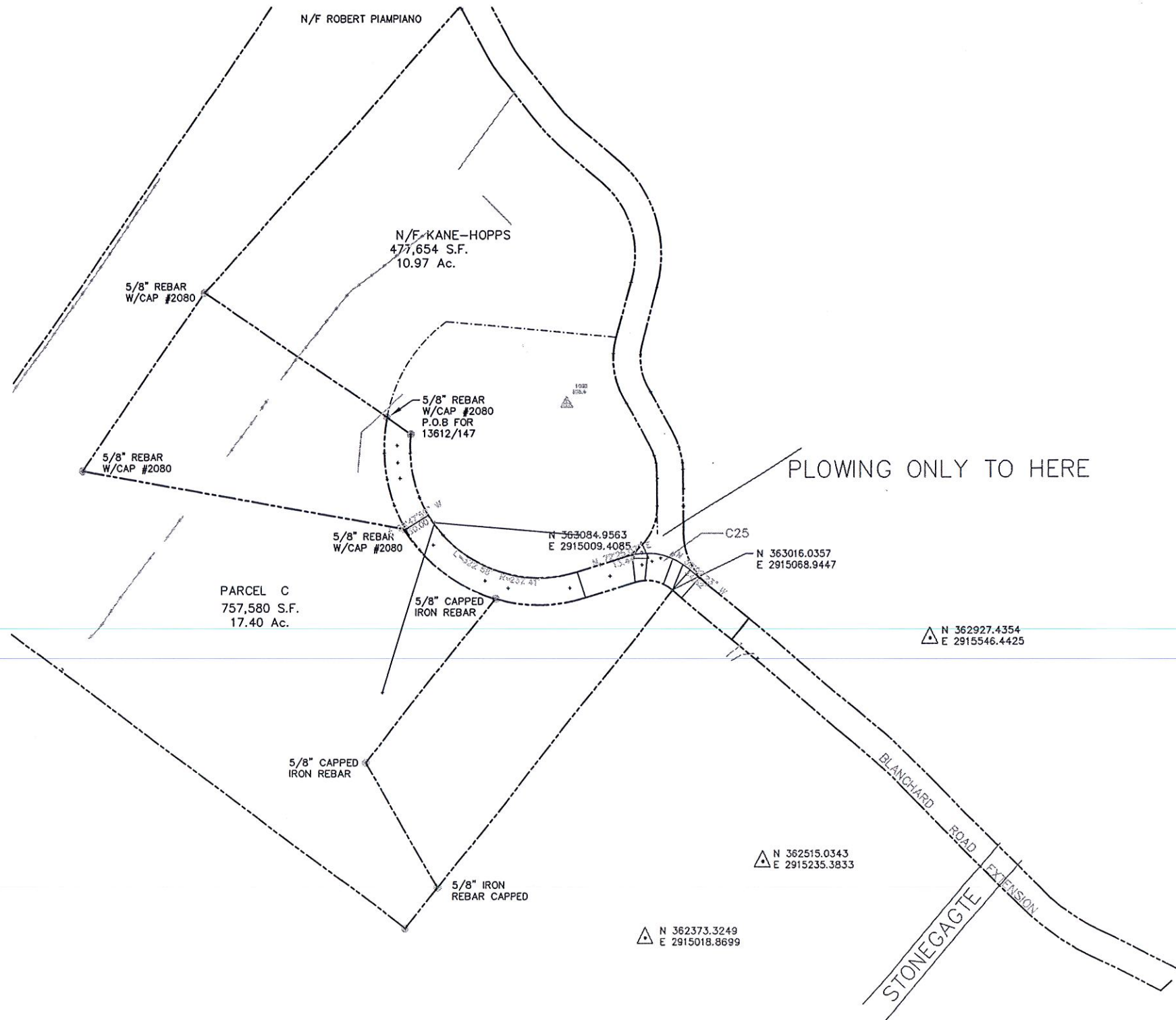
The Town will provide the successful bidder with a legal opinion from the recognized bond counsel. The Town confirms that the anticipated total borrowing for fiscal year 2005 will not exceed \$10,000,000 and that the Town will comply with all aspects of the Tax Reform Act of 1986, as amended, including all provisions relating to arbitrage and rebate.

No requirements for a depository relationship or any terms or conditions other than the above shall be placed upon the Town by the Proposer.

7-12-04  
DateTammy L. Buchanan  
Authorizing Officer

All proposals must be received by the Town of Cumberland no later than 1:00 p.m. Monday, July 12, 2004.

Fax 829-2214







Key Bank National Association  
One Canal Plaza  
Portland, ME 04101-4035

**TOWN OF CUMBERLAND, MAINE**

290 Tuttle Road  
Cumberland, ME 04021  
(207) 829-2205

Tel: 800 452-8762

**Cumberland Tax Anticipation Note Proposal Form**

Name of Bank / Institution KeyBank National Association

1. Interest rate for principal amount of \$2,000,000 (Lump Sum) 2.36%

2. Interest rate for principal amount of \$2,000,000 (as needed basis) N/A

( ) We are not interested in bidding on the TAN at this time.

The Town will provide the successful bidder with a legal opinion from the recognized bond counsel. The Town confirms that the anticipated total borrowing for fiscal year 2005 will not exceed \$10,000,000 and that the Town will comply with all aspects of the Tax reform Act of 1986, as amended, including all provisions relating to arbitrage and rebate.

No requirements for a depository relationship or any terms or conditions other than the above shall be placed upon the Town by the Proposer.

7/12/04  
Date

Linda Smith  
Authorizing Officer

All proposals must be received by the Town of Cumberland no later than 1:00 p.m.  
Monday, July 12, 2004.

## TOWN OF CUMBERLAND, MAINE

290 Tuttle Road  
Cumberland, ME 04021  
(207) 829-2205

### Cumberland Tax Anticipation Note Proposal Form

Name of Bank/Institution Maine Bank & Trust

1. Interest rate for principal amount of \$2,000,000 (Lump Sum) 2.2 %

Amount of interest calculated on a 30/360 day basis from July 20, 2004 to June 30, 2005 \$ 41,555.56

2. Interest rate for principle amount of \$2,000,000 (as needed basis) 2.2 %

( ) We are not interested in bidding on the TAN at this time.

The Town will provide the successful bidder with a legal opinion from the recognized bond counsel. The Town confirms that the anticipated total borrowing for fiscal year 2005 will not exceed \$10,000,000 and that the Town will comply with all aspects of the Tax Reform Act of 1986, as amended, including all provisions relating to arbitrage and rebate.

No requirements for a depository relationship or any terms or conditions other than the above shall be placed upon the Town by the Proposer.

7/9/04  
Date

[Signature] N.P.  
Authorizing Officer

All proposals must be received by the Town of Cumberland no later than 1:00 p.m. Monday, July 12, 2004.



# **Council Order 1976**

TOWN OF CUMBERLAND

ADOPTION OF ORDER

Order #76-5

1

At the regular meeting of the Cumberland Town Council held on January 12, 1976 at the Cumberland Town Hall, 4 Blanchard Road, Cumberland Center, Maine the following order was passed:

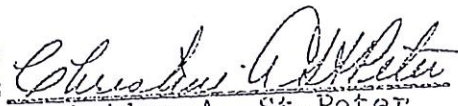
BE IT ORDERED that the Highway Department of the Town of Cumberland is hereby authorized and directed to control snow and ice and maintain a passable surface for the purposes of police and fire protection on the following list of private roads within the Town of Cumberland:

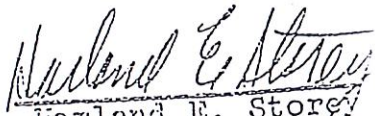
Road 3B  
Island Avenue  
Lake Avenue  
Canal Avenue  
Mill Street  
Road 2  
Methodist Road  
Broad Cove Way  
Sturdivant Road  
Dean's Way  
Starboard Lane  
Sanderson Point  
Russell Road  
Maine Central Avenue  
Upper Portion of Corey Road  
Lake Road  
Forest Avenue

So voted: Unanimous

A TRUE COPY:

ATTEST:

  
Christine A. St. Peter  
Town Clerk

  
Harland E. Storey  
Council Chairman



---

# **Winter Maintenance Agreement**

WINTER MAINTENANCE

EXAMPLE

PERMISSION TO ENTER UPON ROAD  
AND RELEASE

In consideration of the Town of Cumberland's provision, in its exclusive judgment and without obligation to so provide or to continue to so provide, of winter maintenance, which term includes but is not limited to snow plowing, salting and sanding services, for the road upon which I/we (or our association) owns, manages or controls, which road is \_\_\_\_\_ (name of road)

a road in the Town of Cumberland, Maine, I/we, the undersigned as individual owners or members of an association \_\_\_\_\_

\_\_\_\_\_ (individual or road association name)  
do hereby represent that we own, manage or control a portion or all of said road and that a public easement exists in said road, and do hereby grant permission to the Town of Cumberland, its officers, agents and employees to enter upon said road with men and machines for the purpose of winter maintenance of said road. I/we recognize that the Town of Cumberland's municipal officers reserve the right to terminate or modify winter maintenance or services for said road at any time, and that this document is not a contract between the Town of Cumberland and the undersigned, but is an inducement to the Town of Cumberland to provide winter maintenance services for said road. I/we further recognize that the Town of Cumberland may require public liability insurance prior to the provision of winter maintenance services for said road.

I/we have read this document carefully, and sign it voluntarily with full knowledge of its significance.

IN WITNESS WHEREOF, I/we have executed this "Permission to Enter Upon Road and Release" at \_\_\_\_\_

\_\_\_\_\_ (place of execution of this document)  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

By: \_\_\_\_\_  
(signature)

Witness: \_\_\_\_\_ (please print name)

By: \_\_\_\_\_  
(signature)

\_\_\_\_\_ (please print name)



EXAMPLE

Road Association or  
INDIVIDUAL

PERMISSION TO ENTER UPON  
ROAD AND RELEASE

In consideration of the Town of Cumberland's provision, in its exclusive judgment and without obligation to so provide or to continue to so provide, of winter maintenance, which term includes but is not limited to snow plowing, salting and sanding services, for the road upon which our association owns, manages or controls, which road is \_\_\_\_\_

\_\_\_\_\_  
(Road Address)

a road in the Town of Cumberland, Maine, we, the undersigned members of the \_\_\_\_\_

\_\_\_\_\_  
(Name of Road Association)

do hereby represent that we own, manage or control a portion or all of said road and that a public easement exists in said road, and do hereby grant permission to the Town of Cumberland, its officers, agents and employees to enter upon said road with men and machines for the purposes of winter maintenance of said road. We recognize that the Town of Cumberland's municipal officers reserve the right to terminate or modify winter maintenance or services for said road at any time, and that this document is not a contract between the Town of Cumberland and the undersigned, but is an inducement to the Town of Cumberland to provide winter maintenance services for said road. I/We further recognize that the Town of Cumberland may require public liability insurance prior to the provision of winter maintenance services for said road.

I have read this document carefully, and sign it voluntarily with full knowledge of its significance.

IN WITNESS WHEREOF, we have executed this "Permission to Enter Upon Road and Release" at \_\_\_\_\_

\_\_\_\_\_  
(Place of Execution of this Document)

this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Please Print Name)

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Please Print Name)



# **Legal Information**

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November 7, 2000

Robert B. Benson, Town Manager  
Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

Re: Private Roads

Dear Bob:

Carla Nixon and Adam Ogden recently got in touch with me in regard to an MMA training session that was held in the last few weeks in which the question of municipal liability for plowing private roads was raised. As you may remember, in the mid-1980's there was a Maine Supreme Court decision saying that maintenance of private roads was an inappropriate expenditure of public funds. However, there has been, since time immemorial, a statute at Title 23, Section 3105, which authorized winter plowing of private roads based on an annual vote at town meeting. It has always been our opinion that the statute was based on public safety concerns and therefore a completely valid expenditure. Further, the Council's annual vote to approve the budget, including the funds for this purpose, is deemed to be a sufficient indication of compliance with this statute.

It is my understanding that MMA has indicated that any work on private roads may expose the members of the plowing crew to some type of personal liability. This would be possible if 1) the Town had decided not to do the work, and/or 2) the Town had not taken the further step which we suggested more than 12 years ago of obtaining a limited public easement over the road. You may remember, in 1988 we did prepare such a form, a copy of which I enclose, which indicated that it should be signed by someone with apparent authority over the various private ways that the Town plowed. It is still the opinion of this firm that winter maintenance of private roads is permissible based on the underlying statute's safety concerns. As such, coverage under both the Maine Tort Claims Act and the Town's supplemental insurance should be available. It is my understanding that you are in the process of confirming the insurance coverage which I believe is a wise idea. Given all of the above, it would be our opinion that there is no risk for your equipment operators any greater than working on a public road.

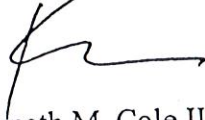
*Adam  
+ MMA mtg  
Superior only  
+ Dan Brown  
unsuccessful*

Jensen Baird  
Gardner & Henry

November 7, 2000  
Page 2

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to be 'KMC', with a long horizontal stroke extending to the right.

Kenneth M. Cole III

KMC/ab



# MAINE MUNICIPAL ASSOCIATION

Legal Services  
60 Community Drive  
Augusta, Maine 04330-9486

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WILLIAM W. LIVENGOOD  
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RICHARD P. FLEWELLING  
ELLERBE P. COLE  
JOSEPH J. WATHEN †

February 11, 1998

Adam J. Ogden, Director of Public Works  
Town of Cumberland  
P.O. Box 128  
Cumberland, ME 04021

Re: Winter Maintenance of Private Roads

Dear Adam:

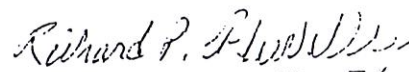
Your letter of February 3<sup>rd</sup> poses a variety of questions about winter maintenance of private roads at public expense. It also poses a dilemma for me because the Town of Cumberland has previously been advised on this issue, including the use of a document entitled "Permission to Enter Upon Road and Release," by Kenneth M. Cole, III, Esq. Accordingly, I cannot comment specifically on your questions without a request from the Manager, the Council or Mr. Cole.

MMA's general position on winter maintenance of private roads at public expense is well-known and is discussed in detail in the enclosed excerpt from MMA's Municipal Roads Manual. In essence, we agree with Mr. Cole's letter of August 25, 1988 to Robert B. Bensen (a copy of which you enclosed). The only thing I would add is that subsequently the Maine Supreme Judicial Court in effect affirmed Mr. Cole's conclusion that maintenance of private roads at public expense would violate the "public purpose" doctrine of the Maine Constitution (Opinion of the Justices, 560 A.2d 552 (Me. 1989)).

I am sorry I cannot answer your inquiry directly, but by copy of this letter I invite such a request from those above-mentioned.

Please let us know if we can be of any other assistance.

Yours truly,

  
Richard P. Flewelling, Esq.

encl.

cc: Town Manager  
Town Council  
Kenneth M. Cole, III, Esq.

*2R organized group that maintains roads  
set letter authorizing town presence  
and acknowledge public easement*

*Council 12/7*  
AUG 30 1988

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August 25, 1988

Mr. Robert B. Benson  
Town Manager  
Cumberland Town Office  
P.O. Box 128  
Cumberland, Maine 04015

*can Garbage Agreement  
surround?  
Is sewer line on private Rd an  
easement.  
Posted Plc is a problem in any event  
x. 20 yr + earlier*

Dear Bob:

A question that frequently is asked by municipal officials is whether it is legal for a town to use public funds to plow and sand private roads. Because at least two towns have asked this question, we thought it would be helpful to send our advice on this matter to each of our municipal clients before winter.

Simply stated, our advice is this: a town may legally spend public funds to plow and sand town ways and roads in which there is a public easement. The reason for this advice is as follows.

Under State statute, there are three types of roads -- town ways, public easements (formerly known as "private ways") and private roads. Please note that "private ways" are different from "private roads." A municipality has the legal obligation under 23 M.R.S.A. § 3651 to maintain a town way so as to be safe and convenient for travelers with motor vehicles, and must clear snow from a town way unless that way has been formally closed to winter maintenance. With respect to public easements ("private ways"), under 23 M.R.S.A. § 3105, a municipality's legislative body may authorize the municipal officers to use municipal highway equipment to plow and sand whenever the municipal officers deem such action "advisable in the best interests of the town or village corporation for fire and police protection." Thus, a town must spend public funds to plow and sand town ways that are not closed to winter maintenance, and may spend funds to plow and sand roads in which there is a public easement when the town's legislative body authorizes the municipal officers to do so, and the municipal officers find that plowing and sanding is advisable in the town's best interest for fire and police protection.

However, municipalities cannot spend public funds to plow and sand or otherwise maintain private roads. The Superior



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Court (Oxford County) addressed this issue in Haynes v. Inhabitants of the Town of Waterford in 1982, holding that the Town of Waterford's authorization of expenditures of public funds for plowing private roads and driveways would violate the public purpose doctrine. The public purpose doctrine arises out of Article IV, Part 3, Section 1 of the Maine Constitution and sets forth that taxes shall not be raised for purposes other than public purposes. Because the Superior Court found that the plowing of private driveways would primarily benefit private citizens rather than the public, the expenditure of municipal funds for plowing private roads and driveways would violate the public purpose doctrine. There also is a 1980 Attorney General's opinion which reaches this same conclusion.

Further, there is another reason why municipalities should not spend public funds for plowing, sanding and maintaining private roads -- municipal and individual liability. Municipal maintenance on town ways (and presumably on public easements, although this has not been decided) could result in municipal liability for negligence and defects, but since this maintenance would be a governmental duty and within the course and scope of governmental employment, municipalities and individual officials generally would be protected by the limits on liability in the Maine Tort Claims Act and Highway Defect Act. When a town maintains a private road, which it has no legal obligation or authority to maintain, the municipality, and particularly its municipal officials, arguably would not be acting within the course and scope of employment and would not be entitled to the protections of these acts. Therefore, the municipality could be subject to unlimited liability for negligence and defects resulting from plowing, sanding and maintenance on private roads, and municipal officials could individually face the same unlimited liability for such actions.

Since it is clear that towns must spend public funds to plow and sand town ways (unless they are closed to winter maintenance), may spend public funds to plow and sand public easements ("private ways") and cannot spend public funds to plow and sand private roads, the real issue is whether a road is a public easement ("private way") or a private road. Public easements may arise in several ways; a town may acquire a public easement in a way: (1) by discontinuance of a town way after 1975 under 23 M.R.S.A. § 3026, (2) through presumed abandonment of a road under 23 M.R.S.A. § 3028, (3) by eminent domain (laying out and taking the public easement), (4) by dedication and acceptance of the public easement, (5) by purchase and acceptance, and (6) by prescriptive use (at least 20 years of adverse use). Where there is a question as to whether particular ways are public easements or private roads, a town should examine each way on a case-by-case basis to determine whether a public easement was acquired through any of the above methods. Towns should be careful in making this determination since if the way eventually is determined to be a private road, the expenditure of town funds to plow and sand it could be found illegal and both the town and its individual elected and



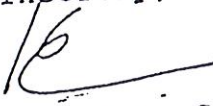
JENSEN BAIRD GARDNER & HENRY

appointed officials could face unlimited liability for their actions on that private road. With these risks in mind, towns should seek to be reasonably sure that a public easement exists before plowing and sanding it, perhaps by obtaining certifications from owners of property abutting such roads or from road associations that a public easement has been granted to the Town or has arisen from long public use.

Finally, while municipalities cannot spend public funds to plow, sand or maintain private roads, they may make municipal equipment available for a fee for the plowing, sanding or maintenance of private roads when that equipment is not otherwise needed by the municipality. This is described in a 1961 Attorney General's Opinion. However, such actions arguably would not be within the scope of the Tort Claims Act and Highway Defect Act since the municipality would be acting as though it were a private contractor, and both the municipality and its individual appointed and elected officials could be subject to unlimited liability when undertaking private road maintenance for a fee. Obviously, each town must make a policy decision in light of the above regarding the wisdom of making municipal equipment available for a fee.

Please let us know if we can assist you with any particular issues of road plowing and sanding.

Sincerely,

  
Kenneth M. Cole, III

KMC:jem





## Does Your Town Plow Private Roads?

If you're plowing them, STOP!

If you're not, DON'T START!



*This article is an adaptation from a story by Ted Cohen in the Portland Press Herald on Dec. 13, 1993.*

OGUNQUIT - When Lynn Raymond-Empey took over as town manager, she quickly took control of a politically sensitive issue: publicly funded illegal plowing of private roads.

She told selectmen, the plowing should stop. If it didn't, and a town plow were to injure someone on a private road, this tiny town of 976 people could be rendered bankrupt by a lawsuit.

Under Maine law, a town's liability is limited to \$300,000 if an accident occurs while the town is plowing a public road. But if town crews are illegally plowing a private road and are sued, the sky would be the limit as far as lawsuits are concerned, Raymond-Empey said.

"When you're plowing a private road and you don't have a deeded right of access, you are putting the town in a position where, if there were an accident, liability wouldn't be limited to \$300,000," she said.

In changing the policy last week, Ogunquit selectmen joined other Maine towns reluctantly complying with a Maine Supreme Court ruling.

In a state where tradition dies hard, it's not been easy for small towns to stop their plows at the entrances to tiny dirt roads that were never envisioned as public thoroughfares.

"Our legal staff keeps advising towns it is not a proper use of public funds to plow private roads because they don't serve a public purpose," said Michael Starn, spokesman for the Maine Municipal Association.

"We keep putting out information telling them if they're plowing private roads, do not, and if they're not, don't start."

The state's highest court in 1989 ruled that the "implied consent of ac-

cess" doesn't adequately immunize municipalities from liability in the event that a plow causes damage or injury while clearing private property.

Despite the court ruling, town officials have tended to wait until push came to shove before enforcing the private-plowing prohibition, said Greg Drew, selectmen's chairman in Buxton.

When town officials change the tradition that's allowed the inappropriate spending of tax money to plow private roads, they know they will anger a lot of people who've relied on the service.

In Buxton, town officials knew about the court ruling for several years before finally admitting they had to put their foot down. Their highway crews plowed 25 private roads last winter.

But this winter they'll plow only 15 - those to which the town has been given public easements.

"We tried to avoid it," Drew said of the decision to stop the plowing. "But finally our attorney said, 'enough's enough. You guys have to realize your liability.'"

Raymond-Empey, who began here as town manager last month, knew one of her first responsibilities was planning for winter. She advised selectmen on her second day on the job they should forbid the plowing of private roads.

They've since done so. But Raymond-Empey realizes that some of the 75 people living on the nine private roads are affected by the new policy will be angry, or even frightened.

"I don't want people to be fearful," she said, explaining that police cruisers, firetrucks and ambulances will still be dispatched to emergencies on private roads. She's exploring how to get legal public access to private roads, to allow plowing to continue if homeowners there grant the town public easements.

She considered giving the public two weeks or advance notice of the new

policy, but then realized there was really only one thing to do: announce the policy was effective immediately. It was the only way to make sure it would be enforced without pause.

In her previous position as the top administrator in Naples, Raymond-Empey took a similar stance. She also advised selectmen to enforce the policy against private-road plowing, despite some public pressure to do otherwise.

The communities most affected by plowing restrictions are small towns with lots of narrow dirt roads created in the early 1900s when people built summer cottages, according to the Portland Public Works Director George Flaherty.

Over the years, many of the cottages - some located along "dirt roads no more than 12 feet wide and running between two trees" - have been winterized. Their owners want town crews to keep them clear of snow, Flaherty said.

In Portland, Flaherty's crews plow no private roads.

The policy is similar in Brunswick, but Public Works Director John Foster said there'll be public pressure this winter, as every year, for him to plow private roads.

"Last year someone on a private road called us during a storm and asked us to plow," Foster said. "We declined."

He added that "everyone reminds us they pay taxes and we understand, but we can only plow town-owned roads."

**"FIGHT WINTER and WIN"**  
- A Survival Guide for Public Officials -  
Send for your free copy of this 10 page manual from the American Public Works Association (APWA). It discusses why snowfighting is important, the role of equipment, personnel, sand, plowing, salt alternatives and environmental impact.



## PUBLIC MAINTENANCE OF PRIVATE ROADS

GENERAL RULE: Public maintenance of private roads violates "public purpose" clause of the Maine Constitution. In addition, town's risk of liability is increased, and liability insurance coverage may not cover activities on private roads.

### OPTIONS:

- (a) Let landowners own road provide their own plowing and maintenance;
- (b) Convey the road to town as a public easement, which means it will no longer be private
  - \* requires agreement of all abutting landowners
  - \* requires acceptance by municipality
  - \* municipality may require that road be built to certain condition before acceptance
  - \* level of maintenance not guaranteed to be same as for other public roads;
- (c) Enter contract with municipality for plowing/maintenance services
  - \* must cover all costs including gas, oil, wear and tear on vehicle, operator's pay, proportional share of work comp and other insurance costs
  - \* practical issues--does private road get service first or last? What about damaged mailboxes, fences, etc.--who is responsible?
  - \* what to do about abutters who don't pay their share--unless there is a lot owners association or road owners association, those people may get a free ride.

3/29/95

Joe Wether

MMA.

## Road Maintenance and Repair

This Chapter discusses the municipality's road maintenance and repair obligations. Several topics are covered, including summer and winter maintenance, State-aid roads, brush cutting, and bidding and contracting practices. Related topics are discussed in other Chapters: road control and protection is the subject of Chapter 6, and liability for improper maintenance/repair is covered in Chapter 7.

### Legal Obligation to Maintain and Repair Roads

A municipality's obligation to maintain and repair a road varies depending on the type of road: town way, public easement, or privately-owned road. These are addressed separately below.

**Town ways.** 23 MRSA § 3651 requires that town ways be kept open and in repair so as to be safe and convenient for travelers with motor vehicles. Additionally, if a town way is "blocked or encumbered" with snow, 23 MRSA § 3201 requires that it be opened and made passable within a reasonable time. See also *Ouelette v. Miller*, 183 A. 341, 134 Me. 162 (1936), and *Rogers v. Newport*, 62 Me. 101 (1873). The process for closing roads to winter maintenance is discussed later in this Chapter.

**Public easements.** The voters of a town may authorize the selectmen to use town equipment to maintain and repair public easements [23 MRSA § 3105]. The voters can determine the level of maintenance the town will provide, as there is no requirement that public easements be kept "safe and passable" on a year-round basis. The voters can designate that some public easements (or portions thereof) be maintained at public expense, while others are not. In short, municipalities have broad discretion in deciding how to care for public easements.

Municipal officials are often asked whether private citizens can repair and maintain public ways at their own expense, and what rights and liabilities this involves. There is no statute on point. The case law is sparse, but overall it implies that private individuals have no right to repair or reconstruct either town ways or public easements. See, for example, *Lamb v. Euclid Ambler Associates*, 563 A.2d 365 (Me. 1989); and *Hunt v. Rich*, 38 Me. 195 (1854); and see *Harris v. Larrabee*, 109 Me. 373 (1912).

The municipality assumes no liability in the event that private repairs are improperly done and cause injury. The person who made the repairs (or contracted for them) may be personally liable, however. We recommend that municipal officials discourage this practice by pointing out the potential liability and the fact that a person does not obtain any particular right or privilege by maintaining a public easement at his or her private expense. As a practical matter, most people are unwilling to spend their own money maintaining a road that everyone can use without charge or restriction.

**Privately-owned roads.** The Maine Supreme Court has stated that public funds or equipment may not be used to maintain or plow privately-owned roads, see *Opinion of the Justices*, 560 A. 2d 552 (Me. 1989). This is true even if the public is not prevented by signs or gates from using the road. The Court's reasoning was that the "implied consent of access" is transitory at best, and one or more of the road's owners could at any time restrict access. For example, the town might make substantial repairs to a private camp road open to



the public, only to find that the very next day the road was closed to public access.

This Opinion has raised a lot of questions, particularly in municipalities that traditionally have maintained privately-owned roads. Some of the commonly-asked questions are addressed below:

People on private roads pay taxes, too; doesn't that entitle them to have their roads plowed? No. A municipality is not legally required to provide identical services to all roads, just as some parts of town may have public sewer and water, while others do not. Property without those services, however, should not be assessed as though it had them. In other words, the lack of public maintenance of the road may figure in to the "just value" of the property for tax purposes. (In some cases, the increased privacy or exclusivity resulting from lack of public maintenance may actually enhance the value of the property.)

What can landowners on private roads do to get road maintenance? The landowners have two general options. First, they can arrange for private plowing and maintenance. They can do this by informal agreement, or by creating a formal road association for that purpose.

Second, the landowners can request that the road be accepted by the voters (or council in a city) as a public easement, which could then be maintained at public expense. This option will depend on three events: first, all of the abutters on the private road must agree to grant the public easement; second, the legislative body must vote to accept the way as a public easement; third, the legislative body must vote to authorize maintenance of some the public easement, since it is not required by law.

A third option, though unlikely, is to ask the legislative body to accept the road as a town way. If so accepted, the municipality assumes the legal obligation to maintain the road in a safe and passable condition.

What about access for emergency vehicles, buses, and other municipal vehicles? The *Opinion of the Justices* did not address this point. Legal staff at the MMA is of the opinion that it is permissible to send the plow down a privately-owned road ahead of a fire truck, police car or ambulance, since opening the road is necessary to provide the emergency service. As a practical matter, however, even the plow may be unable to get down a road that has not been previously maintained or plowed. We recommend, therefore, that persons living on private roads keep them open, as there is no guarantee that town vehicles can get through in an emergency. A municipality is not liable for the failure to provide emergency services, see 14 MRSA § 8104-B.

The municipality should not plow privately-owned roads to allow access for school buses, garbage trucks, or other non-emergency municipal vehicles. People living on a private road must keep it open for those vehicles, or else bring their children, trash and so on out to the public road for pick-up, see *Collins v. Westmanland School Committee*, Superior Court, Docket No. CV-90-268 (Aroostook County 1991). Emergency services (fire, ambulance, and police) are different because they involve immediate threats to human life and limb, and the problem (a burning barn, for example) cannot be brought out to the public road for service.

Is it legal to maintain privately-owned roads if the road owners pay the municipality for road maintenance services? Although we recommend against it, this arrangement may be allowed as long as all costs are covered. For example, costs include not only the cost of the sand and the driver's hourly wage, but also the proportional share of worker's compensation, liability insurance for the truck, general liability insurance, gas and oil used, and the proportional share of all other expenses related to the service. Any such agreement should be prepared as a written contract, and it should state who is responsible for personal injury and property damage which may result from road maintenance services. We recommend that an attorney draft the contract. Any such contract should also make it clear that privately-owned roads will be plowed or repaired only after public roads are finished. Otherwise, the municipality may find itself



in the awkward position of having a contractual duty to plow private roads before the public ways are cleared.

What legal problems may the municipality encounter if it continues to maintain privately-owned roads without a contract? The municipality exposes itself to broader liability when it maintains privately-owned roads. There are no cases on point, but it is arguable that the Maine Tort Claims Act will not protect either the municipality or the municipal employee while performing what is essentially a private service. For example, if the plow driver negligently injures a pedestrian on a private road, the liability cap in 14 MRSA § 8105 may not apply. Likewise, the municipality's insurance may not cover occurrences on privately-owned property, on the basis that it is not a public activity. Check your insurance policies if you plan to maintain privately-owned roads.

Another potential problem is violation of federal anti-trust laws. Since the municipality usually gets its bituminous mix, gravel, salt, sand, gasoline and other supplies at a good price (bulk amounts and no taxes), it can perform road plowing and maintenance for less than a private contractor charges. A private contractor, who maintains private roads for a living, could argue that municipal maintenance of private roads is an anti-competitive practice. The municipality has an inherently unfair advantage because of its position as a governmental entity. The U.S. Supreme Court held in *Community Communications, Inc. v. City of Boulder*, 102 S. Ct. 835 (1982) that a municipality is not exempt from anti-trust liability unless it can show that there is a precise and affirmatively expressed state grant of power to engage in anti-competitive actions. We are aware of no road-related anti-trust cases involving a Maine community, but the potential exists.

## Closing Roads

Sometimes the best way to maintain or repair a road is to close it or limit its use. Three laws address this subject.

**Closing roads to winter maintenance [23 MRSA § 2953]:** The legislative body of the municipality may designate that certain roads (or portions) be closed to winter maintenance. Under this law, maintenance of a road can be discontinued for a specific number of months from November to April, inclusive. The winter closing process has five steps, discussed below. The law specifies that some of these steps be done between May 1 and October 1. To be safe, we recommend that the entire process be done in that time period.

First, the municipal officers themselves, or upon petition of at least 7 voters, draw up a list of roads proposed to be closed. The issue is whether it is "unnecessary" to maintain a road in view of its population, use and travel in winter.

Second, the municipal officers schedule a public hearing to discuss the list of proposed winter closings. They must place written notice of this hearing in some conspicuous public place at least 7 days before the hearing.

Third, after the public hearing the municipal officers file with the clerk an order specifying the road (or portion thereof) to be closed to winter maintenance. This order must also specify the months of non-maintenance and the number of years the closing order will be in effect. A winter closing can run from one to ten years; *if the order fails to specify, it is for one year only.*

Fourth, the legislative body must vote to approve each order, or vote to provide that each order made by the municipal officers is a final determination. In a town meeting town, this step will require a town meeting vote.

Sample orders and articles pertaining to this process are included in Appendix E.

A winter closing order can be altered, but only *after* one year from the date it was approved by the legislative body. Alteration of an order can be proposed by the municipal officers or upon petition of 7 voters. The steps in the alteration process track those of the initial approval process.

A winter closing order or alteration order may be appealed to the county commissioners within 30 days of its final determination by the legislative body. The



ANSWERS OF THE JUSTICES

To the Honorable House of Representatives of the State of Maine:

In compliance with the provisions of section 3 of article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following responses to the questions propounded on May 16, 1989.

QUESTION NO. 1: Do the provisions of this bill allowing the use of municipal tax revenues for the purposes set out therein violate the "public purpose" limitation of the Constitution of Maine, Article IV, Part Third, Section 1?

[1] We answer Question No. 1 in the affirmative. The legislative power under Article IV, Part Third, Section 1, of the Maine Constitution includes the power to tax, but only to the extent that the tax revenues are spent for public purposes. *See Common Cause v. State*, 455 A.2d 1, 8 (Me.1983). The maintenance at taxpayer expense of privately owned roads as defined in L.D. 383 would be an unconstitutional appropriation of public funds for the benefit of the private property owners.

The public's access to "privately owned roads" as defined by L.D. 383 is both uncertain and potentially transitory. By the definition in the proposed section 3106(2), "the public has no legal right of travel" over any privately owned road on which the bill would authorize the expenditure of public funds. Any possible consent by the private owners to the public's use of the road at most would arise only by inference from the absence, at the time of expenditure, of any barrier or sign "hav[ing] the effect of discouraging public travel." But even that questionable implicit consent could disappear at the whim of owners who subsequently put up a "no trespassing" sign or similar barrier. Any indirect public benefits derived from the proposed public expenditures upon private roads from which the public is or may be barred are outweighed by the public detriment. *See Common Cause v. State*, 455 A.2d at 25. We have no occasion to comment on the validity of a general statute addressing the

maintenance of access to private property for the use of emergency vehicles.

QUESTION NO. 2: Do the provisions of this bill, allowing a municipality by vote of its legislative body to assess the users of a right-of-way for the maintenance of that way, violate any provision of the United States Constitution or the Constitution of Maine?

[2] We construe the term "users of a right-of-way" in Question No. 2 to be the equivalent of "those persons who possess a right-of-way to use the privately owned road" who under L.D. 383 could be assessed to pay municipal costs of maintaining that road. We answer Question No. 2 in the affirmative for essentially the same reasons as Question No. 1. For the special assessment that would be authorized by L.D. 383 to be valid, it must involve both a public purpose and a special benefit to the persons to be assessed over and above that accruing to the public. *See City of Auburn v. Paul*, 84 Me. 212, 215, 24 A. 817, 818 (1892); *Montgomery County v. Schultz*, 302 Md. 481, 489, 489 A.2d 16, 20 (1985). As we state in our answer to Question No. 1, maintenance of privately owned roads as contemplated in L.D. 383 does not meet the public purpose test.

Because of the absence of a public purpose, an involuntary assessment under L.D. 383 to pay for maintenance costs on a privately owned road would be invalid. L.D. 383 would authorize a municipality to require the owners of a privately owned road, over which the public has neither taken nor been given any public rights, to pay the municipal costs of maintaining their private road. The owners would be required to bear those costs even though some or all of them did not wish the road maintained by the municipality at all, or did not wish it maintained in the way elected by the municipality. The assessment system that would be authorized by L.D. 383 is not the voluntary contractual arrangement upheld by the New Hampshire Supreme Court in *Clapp v. Town of Jaffrey*, 97 N.H. 456, 91 A.2d 464 (1952), by which the private owners of the road contracted for municipal services. Imposing the pro-

posed assessment on those owners whose private road the municipality maintained against their will would violate the Due Process Clauses of both Constitutions. Me. Const. art. 1, § 6-A; U.S. Const. amend. XIV.

QUESTION NO. 3: Do the restrictions in the definition of a "privately owned road" contained in the bill violate any provision of the United States Constitution or the Constitution of Maine?

[3] We construe Question No. 3 to address the constitutionality under the Equal Protection Clauses of the Maine and the United States Constitutions of the definitional limitation of "privately owned roads" to those that "serve as the primary means of access and egress to 2 or more private year-round residences." We conclude that if L.D. 383 were otherwise constitutional, that limitation would not contravene the constitutional requirements of equal protection of the laws. Under either the Fourteenth Amendment or section 6-A of the Maine Declaration of Rights, exercises of the police power that do not infringe on fundamental rights or implicate a suspect classification are subject to only a rational basis scrutiny. *See Town of Kittery v. Campbell*, 455 A.2d 30, 34 (Me.1983). If the municipal expenditures under L.D. 383 passed constitutional muster as being for a public purpose, it would not violate the Equal Protection Clause of either Constitution to limit those expenditures to private roads that at the minimum serve more than one year-round home.

VINCENT L. McKUSICK

Chief Justice

DAVID G. ROBERTS

DANIEL E. WATHEN

CAROLINE D. GLASSMAN

ROBERT W. CLIFFORD

D. BROCK HORNBY

SAMUEL W. COLLINS, Jr.

Associate Justices





## Curit Property Conservation Easement:

### Summary of Significant Terms

1. The Trust is seeking the Council's preliminary approval of the terms of this easement so we can initiate form a fundraising efforts to support the Town's acquisition of the parcel. The Trust will seek funds of \$100,000 to support the effort. The trust will also seek to raise additional funds to assist in developing trails on the property and to support stewardship activities.
2. The easement will cover approximately half of the parcel; the focus areas are the shoreland and riparian areas. Neither of these areas is particularly suitable for development. The preservation of shoreland access, passive recreation activities and natural features are the goal. The concept is that protected areas will augment the potential uses of the upland portion of the parcel as well as the opportunities for residents to access the shore area, enjoy open space and passive recreation opportunities.
3. The easement area will be managed according to a management plan developed by the Trust in collaboration with the Town.
4. Both the Trust and the Town can limit activities and uses on the property that create safety concerns that might degrade the resources or the experience of the users. The property will remain open for hunting but the easement does allow the Town and the Trust to collaboratively restrict hunting or trapping if they jointly think such restrictions are appropriate.
5. To ensure future access to the lower portion of the parcel, the Town will provide by deed a right of way to that portion of the parcel.

**Comment:** Time table for Management Plan

**Comment:** Check for Consistency in document

**Conservation Easement on GOSSELIN PROPERTY  
Town of Cumberland, Cumberland County, Maine,  
to Cumberland Mainland and Islands Trust, Inc.**

**INHABITANTS OF THE TOWN OF CUMBERLAND**, a municipal corporation located in Cumberland County, Maine, being a governmental body having an office at Cumberland, Maine 04021 (hereinafter referred to as the "Grantor," which word is intended to include, unless the context clearly indicates otherwise, the above-named Grantor, its successors and assigns, and any successors in interest to the Protected Property),

GRANTS as a gift to **CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.**, a non-profit corporation organized and existing under the laws of the State of Maine, with a mailing address of P.O. Box 25, Chebeague Island, Maine 04017 (hereinafter referred to as the "HOLDER," which word shall, unless the context clearly indicates otherwise, include the Holder's successors and/or assigns),

with QUITCLAIM COVENANT, in perpetuity, the following described Conservation Easement on the Gosselin Property on the island of Chebeague in the Town of Cumberland, Cumberland County, Maine, hereinafter referred to as the PROTECTED PROPERTY, and described on Exhibit A attached hereto, and on a sketch plan attached hereto at Exhibit B, both made a part hereof by reference, exclusively for conservation purposes as follows:

**- Purpose -**

*It is the purpose of this Conservation Easement to preserve and protect in perpetuity the availability of the Protected Property as an undeveloped natural and scenic resource for traditional low-impact outdoor recreation, nature observation and study by the general public, and to preserve the health of the wooded and coastal shoreline ecosystem.*

*The following recitals more particularly describe the conservation values of the Protected Property:*

WHEREAS, the Protected Property consists of a completely undeveloped tract of land, approximately six (6) acres in size with approximately five hundred and seventy-four (574) feet of shoreline, dominated by a mixed species forest including pine, birch, ash, and maple, largely consisting of wetlands, and including a spring-fed stream emptying into Casco Bay and is located on the northwestern shore of Great Chebeague Island, and

WHEREAS, the Protected Property provides an ideal use for low-impact outdoor recreation, such as picnicking, hiking, and bird-watching, by the general public, and traditionally provides a highly scenic vista from the mainland accessible islands of Cousins Island and Littlejohn Island, the Chebeague Island ferry that traverses the waters from Cousins Island to Chebeague Island, and the high volume of recreational boaters that utilize the thoroughfare between Chebeague Island and the mainland to travel from the greater Portland area to the islands of eastern Casco Bay and points downeast; and

**Comment:** Access to Shore  
not mentioned?



WHEREAS, the Protected Property is home to numerous bird species, and small and large mammals, and includes intertidal mudflats noted for their clam and mussel populations; and

**Comment:** Is this consistent with State law - "to the high tide" vs. low tide lines?

WHEREAS, the Chebeague Island is experiencing steady, accelerated development of both year-round and seasonal homes, often closing off traditional shore access to the public; and

WHEREAS, this conservation easement will assure the permanent availability of the Protected Property for traditional recreational uses by the general public, and the preservation of its important scenic natural resources and habitat value for indigenous flora and fauna;

**Comment:** Access to Shore?

NOW THEREFORE, the Grantor and Holder have established a Conservation Easement on, over, and across the Protected Property consisting of the following terms, covenants, restrictions, and affirmative rights granted to Holder, which shall run with and bind the Protected Property in perpetuity:

## I. LAND USE RIGHTS AND RESTRICTIONS:

A. The Protected Property shall be used only for conservation and low-impact outdoor recreation, which is defined as outdoor recreational activities that do not rely on substantial alteration to the natural resources, permanent enclosures, lighting installations, or other activities that may degrade natural resources. Commercial, industrial, residential, mining, and quarrying activities are prohibited on the Protected Property, except for harvesting of marine invertebrates from the intertidal area.

**Comment:** Clarify this is a permitted use.

B. The Protected Property will remain open and available for daytime, low-impact pedestrian outdoor recreational use by the general public except as set out in this Conservation Easement. Grantor may establish rules and regulations for public use of the Protected Property and to control, limit or prohibit other uses such as night use, fires, camping, use by groups or commercial outfitters, or any other public or private use that may detract from low-impact recreational use by the general public intended to be preserved hereunder or for public safety purposes or as necessary to protect the conservation values of the Protected Property. Grantor and Holder reserve the rights and protections against liability for injury to any person to the fullest extent of the law under Title 14 M.R.S.A. §159-A, et seq. as amended and successor provisions thereof (The Maine Recreational Use Statute), pursuant to the Maine Tort Claims Act, and pursuant to any other applicable provisions of State and federal law.

C. As of the date of this grant, there are no structures, no surface alterations and no material human alteration to the standing timber on the Protected Property

D. No additional structures may be placed or constructed on the Protected Property except those designed to enhance the opportunity for low-impact public use, nature observation and study, and to preserve the conservation values of the Protected Property.

E. No excavation, filling, dredging, grading or other alteration may be made to the surface of the Protected Property, except as necessary to install permitted structures and undertake permitted vegetation management, to prevent erosion, to undertake ecological studies under professional supervision and archaeological studies under the supervision of a Maine licensed archaeologist and in accordance with generally accepted professional standards, and as necessary to establish and maintain rustic pedestrian trails, not to exceed four feet in width; provided that all such surface alterations shall be designed to prevent soil erosion, prevent habitat damage, and preserve the undeveloped scenic views of the Protected Property from offshore.

**Comment:** May need to discuss a "Primary Access to the Shore" and better define a Trail system.

F. No standing timber or live vegetation may be cut or removed except cutting necessary to

install permitted structures, permitted establishment and maintenance of trails, and for the establishment of a permitted parking area and except to remove dead or damaged vegetation, to remove or relocate blowdowns, leaners, and snags, and to remove live vegetation to the extent necessary to combat fire or eradicate infestation of opportunistic plants, pests or plant disease

- G. No dumping, storage or burial of waste materials of any nature is permitted on the Protected Property, except that vegetative waste resulting from permitted maintenance of the Protected Property may be temporarily stored and disposed of by burning or removal. The public shall be required to carry out any waste generated by their uses.
- H. Grantor shall provide a right-of-way access to the protected property sufficiently wide for vehicle traffic.

## II. HOLDER'S AFFIRMATIVE RIGHTS:

A. Holder is granted the right to enter the Protected Property at any time the Protected Property is normally open to the public, or at other times with prior notification to Grantor, for the purposes of monitoring the conditions and terms of this Conservation Easement, and to undertake ecological study of the Protected Property.

**Comment:** This clause does not seem necessary. "A"

B. Holder is granted the right to enforce this Conservation Easement at law or in equity, including the right to require restoration in the event of a breach, provided, however, that naturally occurring changes or changes due to trespass or vandalism shall not give rise to any right in the Holder to require restoration.

C. Holder is granted the right to build a rustic trail including bridges over streams and steps giving access to the beach, and to install small unlighted directional and informational signs to direct, control and enhance public use of the Protected Property; stone walls, low barriers or fencing to prevent unauthorized use of the Protected Property and to protect fragile areas from over use; minor habitat improvements; rustic seats, benches, tables; small temporary structures for special events; and rustic trail improvements.

**Comment:** Need some clarification.

**Comment:** "Gathering of rocks" to improve one section, may cause unintended consequences elsewhere on the parcel.

D. Holder is granted the right to post the property to prevent hunting or trapping, and to exclude entry by all forms of motor vehicles except those necessary to carry out permitted activities as described in section I E, and I F.

E. Holder is granted the right to clear vegetation in order to permit parking of up to three cars.

**Comment:** On Town Parcel constructed by the Town.

F. In the event that Cumberland Mainland and Islands Trust, Inc. should dissolve or is not able to fulfill its obligations under the easement, it will assign the easement to another qualified entity chosen by the Grantor within three months of notice of an intent to assign. A qualified entity is one that meets the definition of a "Holder," at Title 33 Maine Revised Statutes Annotated Section 476(2), as amended or recodified, and meets the requirements of Section 170(h)(3) of the Internal Revenue Code, (or successor provisions thereof) and that as a condition of transfer, agrees to carry out the conservation purposes of this grant.



### III. GENERAL TERMS AND PROVISIONS:

A. Any ambiguity in the interpretation of these easements and restrictions shall be resolved in favor of preserving the Protected Property in its natural and scenic condition. This grant shall be interpreted to permit compliance with applicable state, local, or federal law or regulation, and may be amended if and to the extent necessary to permit compliance therewith.

B. Any notice to Holder required or contemplated hereunder must be delivered in hand or by other reasonable means providing a record of receipt, addressed to: President, Cumberland Mainland and Islands Trust, P. O. Box 25, Chebeague Island, Maine 04017; or to such other authorized person hereafter designated in writing by Holder. Any notice to Grantor required or contemplated hereunder must be delivered in hand, or by other reasonable means providing a record of receipt, addressed to: Cumberland Town Manager, Town of Cumberland, Cumberland, Maine, 04021.

C. This Conservation Easement is created pursuant to The Uniform Conservation Easement Act at Title 33, Maine Revised Statutes, Sections 476 through 479-B, inclusive, as amended, and shall be construed in accordance with the laws of the State of Maine.

D. At the XXXX Town Council Meeting, the Town Council approved granting Holder a Conservation Easement on the Protected Property in order ensure it is permanently protected as a publicly accessible conservation property.

TO HAVE AND TO HOLD the said Conservation Easement unto the said Holder and its successors and assigns forever.

IN WITNESS WHEREOF, the Town of Cumberland have caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by \_\_\_\_\_, and \_\_\_\_\_, XXXXXXXX, hereunto

duly authorized this \_\_\_\_\_ day of \_\_\_\_\_, Two Thousand.

, by

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

, 2002

Personally appeared the above named \_\_\_\_\_, in his/her said capacity as XXXXXXXXX  
and the authorized representatives of the above-named Grantor, INHABITANTS OF THE TOWN OF  
CUMBERLAND, and acknowledged the foregoing instrument to be her free act and deed in her said  
capacity, and the free act and deed of said municipality.

Before me, \_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Please type or print name of notary)  
My commission expires:

### **HOLDER ACCEPTANCE**

The above and foregoing Conservation Easement was authorized to be accepted by  
CUMBERLAND MAINLAND AND ISLANDS TRUST, INC. Holder as aforesaid, and the said  
Holder does hereby accept the foregoing Conservation Easement, by and through Robert Crawford,  
its President, hereunto duly authorized, this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

**Cumberland Mainland and Islands Trust, Inc.**

\_\_\_\_\_  
by: Robert Crawford  
its President

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

, 2002

Personally appeared Robert Crawford, the President and authorized representative of the above-named  
Holder, CUMBERLAND MAINLAND AND ISLANDS TRUST, INC., and acknowledged the foregoing  
instrument to be his free act and deed in his said capacity, and the free act and deed of said non-profit  
corporation.

Before me, \_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Please type or print name of notary)  
My commission Expires:



## **Exhibit A**

### **A Legal Description of the Protected Property**

The Protected Property is XXXXXXXXX

A certain lot or parcel of land situated on the island of Chebeague in the Town of Cumberland, County of Cumberland and State of Maine, bounded and described as follows:

Containing 6 acres, more or less, and being registered as

**Exhibit B**  
**A Sketch Plan of the Protected Property**





Draft --June 28, 2004

**Permanent Conservation Easement on the GOSSELIN PROPERTY, Chebeague Island,  
Town of Cumberland, Cumberland County, Maine,  
To the Cumberland Mainland and Islands Trust, Inc.**

**THE INHABITANTS OF THE TOWN OF CUMBERLAND**, a duly organized municipal corporation located and operating in Cumberland County, Maine, being a governmental body and having an office at 290 Tuttle Road, Cumberland, Maine 04021 (hereinafter the "Grantor," which word is intended to include, unless the context clearly indicates otherwise, the above-named Grantor, its successors and assigns, and any successors in interest to the Protected Property),

**GRANTS** in perpetuity as a gift to **CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.**, a charitable and non-profit corporation organized and existing under the laws of the State of Maine, with a mailing address of P.O. Box 25, Chebeague Island, Maine 04017 (hereinafter the "HOLDER," which word shall, unless the context clearly indicates otherwise, include the Holder's successors and/or assigns),

with **WARRANTY COVENANTS**, in perpetuity exclusively for conservation purposes, the following described Conservation Easement and appurtenant rights on and over the Gosselin Property located on the island of Chebeague in the Town of Cumberland, Cumberland County, Maine, the Gosselin Property being the same parcel as conveyed to \_\_\_\_-and \_\_\_\_- by deed dated \_\_\_\_ as recorded at Book \_\_\_\_ and Page \_\_\_\_ - in the Cumberland County Registry of Deeds and further identified as Map \_\_\_\_, Lot \_\_\_\_ on the official tax maps of the Town of Cumberland, (hereinafter the "Protected Property"), and also being further described in Exhibit A attached hereto, and in the plan attached hereto as Exhibit B, both made a part hereof by reference.:

**- Purpose -**

*It is the purpose of this Conservation Easement and grant is to preserve and protect in perpetuity the Protected Property as an undeveloped natural and scenic resource for traditional low-impact outdoor recreation, nature observation and study by the general public, to preserve the health of the forest, shoreland and riparian habitats, coastal shoreline ecosystem and to protect in perpetuity the public's access to the Protected Property.*

*The following recitals more particularly describe the conservation values of the Protected Property:*

**WHEREAS**, the Protected Property is located on the northwestern shore of Great Chebeague Island and consists of a completely undeveloped and mostly forested tract of land with riparian and shoreland areas approximately six (6) acres in size with approximately five hundred and seventy-four (574) feet of shoreline bordering on Casco Bay and is dominated by a mixed age and species forest including pine, birch, ash, and maple and contains riparian and wetland areas, and includes a spring-fed perennial stream that empties into Casco Bay; and;



**WHEREAS**, the Protected Property provides an ideal site for low-impact outdoor recreation, including, but not limited to, picnicking, hiking, nature study and bird-watching, by the general public, and has traditionally provided a highly scenic vista from the mainland and adjacent islands of Cousins Island and Littlejohn Island, the Chebeague Island ferry that traverses the waters from Cousins Island to Chebeague Island, and the high volume of recreational boaters that use the thoroughfare between Chebeague Island and the mainland to travel from the greater Portland area through Casco Bay and points Downeast;

**WHEREAS**, the Protected Property is home to numerous bird species, and small and large mammals, and includes intertidal mudflats noted for clam and mussel populations;

**WHEREAS**, Chebeague Island is experiencing steady, accelerated development of both year-round and seasonal homes, often closing off traditional shore access to the public; and

**WHEREAS**, this conservation easement will assure the permanent availability of the Protected Property for traditional recreational uses by the general public, and permanent preservation of its important scenic and natural resources and habitat for indigenous flora and fauna and permanent pedestrian access to the shoreland areas associated with the Protected Parcel;

**NOW THEREFORE**, the Grantor and Holder have established a Conservation Easement and appurtenant rights on, over, and across the Protected Property consisting of the following terms, covenants, restrictions, and affirmative rights granted to Holder, which shall run with and bind the Protected Property in perpetuity:

**I. LAND USE RIGHTS AND RESTRICTIONS:**

A. The Protected Property shall be used only for conservation and low-impact outdoor recreation activities that do not rely on substantial alteration to the natural resources; permanent structures, lighting installations, or other activities that may degrade natural resources, except as expressly allowed hereunder are prohibited. Commercial, industrial, residential, mining, and quarrying activities shall also be prohibited on the Protected Property. The non-commercial harvesting of marine invertebrates from the intertidal area of the Protected Property in accordance with state and local regulations is permitted.

B. The property will be managed in accordance with a Management Plan to be developed by Holder and approved by Grantor, which approval shall not be unreasonably withheld. The management plan shall be prepared by appointees of Holder and Grantor and submitted for their joint approval within six months of the date of execution of this easement.

C. The Protected Property will remain open and primarily managed for, low-impact pedestrian outdoor recreational use by the general public and conservation purposes except as otherwise limited or allowed in this Conservation Easement. Grantor and Holder may establish rules and regulations for public use of the Protected Property and to control, limit or prohibit uses that may interfere with the low impact pedestrian and conservation uses



such as night use, fires, camping, use by groups or commercial outfitters, or any other public or private uses that may detract from the low-impact recreational use by the general public and conservation uses intended to be preserved hereunder. Grantor and Holder may also jointly limit or prohibit activities on the Protected Property to further public safety purposes. Grantor and Holder reserve the rights and protections against liability for injury to any person to the fullest extent of the law under Title 14 M.R.S.A. §159-A, et seq. as amended and successor provisions thereof (The Maine Recreational Use Statute), pursuant to the Maine Tort Claims Act, and pursuant to any other applicable provisions of state and federal law.

D. As of the date of this grant, there are no structures, no surface alterations and no material human alteration to the standing timber on the Protected Property, with the exception of an existing footpath from the northwest corner of the property running due south to the spring brook. This path shall remain in existence and be available to the public and the adjacent landowner to hand carry water from the brook at the current site used for this purpose

E. ~~No additional structures may be placed or constructed on the Protected Property except those designed to enhance or support opportunities for low-impact public recreational use, nature observation and study, or to preserve the conservation values of the Protected Property.~~

F. No excavation, filling, dredging, grading or other alteration may be made to the surface of the Protected Property, except as necessary to install permitted structures and undertake permitted vegetation management, to prevent erosion, to undertake and support ecological or archeological studies under professional supervision and in accordance with generally accepted professional standards, or as necessary to establish and maintain rustic pedestrian trails. All such surface alterations shall be designed to prevent soil erosion, prevent unnecessary habitat alteration, and preserve the undeveloped scenic views of the Protected Property from offshore.

G. No standing timber or vegetation may be cut or removed except cutting necessary to install permitted structures, permitted establishment and maintenance of trails, and for the establishment of a permitted parking area. All such vegetation alteration or cutting must be in conformance with the Management Plan.

H. No dumping, storage or burial of waste materials of any nature is permitted on the Protected Property, except as may be allowed under the Management Plan the public shall be required to carry out any waste generated by their use.

I. Grantor shall grant by deed to Holder a permanent right-of-way access to the protected property sufficiently wide for vehicle traffic

J. Holder, following consultation with and approval of Grantor, may post the Protected Property to limit or prevent hunting or trapping.



## **II. HOLDER'S AFFIRMATIVE RIGHTS:**

A. Holder is granted the right to enter the Protected Property at any time for the purposes of monitoring the conditions and terms of this Conservation Easement, and to undertake ecological or other studies of the Protected Property.

B. Holder is granted the right to enforce this Conservation Easement at law or in equity, including the right to require restoration in the event of a breach, provided, however, that naturally occurring changes or changes due to trespass or vandalism shall not give rise to any right in the Holder to require restoration.

C. Holder is granted the right to construct and maintain a rustic trail, including foot bridges over streams and steps to provide access to the beach and shore areas, and to install small, unlighted directional and informational signs to identify the boundary of the Protected Property and to direct, control and enhance public use of the Protected Property. Holder shall also have the right to construct stone walls, low barriers or fencing to prevent unauthorized or inappropriate use of the Protected Property and to protect fragile areas from over use; to undertake minor habitat improvements; to construct and maintain rustic trail improvements including rustic seats, benches, tables and to erect similar small temporary minor structures for special events taking place on the Protected Property. Such minor improvements as are undertaken must be completed in a manner that is consistent with the conservation goals of this Conservation Easement.

D. Holder is granted the right to exclude entry by all forms of vehicles or motor vehicles except those necessary to carry out permitted activities as described in section I E, I F, and I G or as required for public safety purposes.

E. If necessary, Holder may develop and maintain on the Protected Property a small parking area for the parking of up to three cars and associated turning area.

F. In the event that Cumberland Mainland and Islands Trust, Inc. should dissolve or is not able to fulfill its obligations under this Conservation Easement, it will assign the easement to another qualified entity chosen by the Grantor within three months of notice of an intent to assign. A qualified entity such purposes shall be one that meets the definition of a "Holder," at Title 33 Maine Revised Statutes Annotated Section 476(2), as amended or re-codified, and that meets the requirements of Section 170(h)(3) of the Internal Revenue Code, or successor provisions thereof, and that as a condition of transfer, agrees to carry out the conservation purposes of this grant.

## **III. GENERAL TERMS AND PROVISIONS:**

A. Any ambiguity in the interpretation of these easements and restrictions shall be resolved in favor of preserving the Protected Property in its natural and scenic condition. This grant shall be interpreted to permit compliance with applicable state, local, or federal



law or regulation, and may be amended if and to the extent necessary to permit compliance therewith.

B. Any notice to Holder required or contemplated hereunder must be delivered in hand or by other reasonable means providing a record of receipt, addressed to: President, Cumberland Mainland and Islands Trust, P. O. Box 25, Chebeague Island, Maine 04017; or to such other authorized person hereafter designated in writing by Holder. Any notice to Grantor required or contemplated hereunder must be delivered in hand, or by other reasonable means providing a record of receipt, addressed to: Cumberland Town Manager, Town of Cumberland, Cumberland, Maine, 04021.

C. This Conservation Easement is created pursuant to The Uniform Conservation Easement Act at Title 33, Maine Revised Statutes, Sections 476 through 479-B, inclusive, as amended, and shall be construed in accordance with the laws of the State of Maine.

D. At the \_\_\_\_\_, 2004 Town Council Meeting, the Town Council approved granting Holder a Conservation Easement on the Protected Property in order ensure it is permanently protected as a publicly accessible conservation property.

**TO HAVE AND TO HOLD** the said Conservation Easement unto the said Holder and its successors and assigns forever.

**IN WITNESS WHEREOF**, the Town of Cumberland has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by the Cumberland Town Council duly authorized this \_\_\_\_\_ day of \_\_\_\_\_, Two Thousand and Four.

By:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

, 2004

Personally appeared the above named, in their capacity as members of the Cumberland Town Council and the duly authorized representatives of the above-named Grantor, INHABITANTS OF THE TOWN OF CUMBERLAND, and acknowledged the foregoing instrument to be of their free act and deed in this capacity, and the free act and deed of the municipality.

Before me,

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Please type or print name of notary)  
My commission expires:

**HOLDER ACCEPTANCE**

Being duly authorized, the CUMBERLAND MAINLAND AND ISLANDS TRUST, INC., Holder, does hereby accept this Conservation Easement, by and through Robert Crawford, its President, hereunto duly authorized, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

**Cumberland Mainland and Islands Trust, Inc.**

By: \_\_\_\_\_  
Robert Crawford, President

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

, 2004

Personally appeared Robert Crawford, president and authorized representative of the CUMBERLAND MAINLAND AND ISLANDS TRUST, INC., and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of the CUMBERLAND MAINLAND AND ISLANDS TRUST, INC, a Maine non-profit corporation.

Before me,

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Please type or print name of notary)  
My commission Expires:

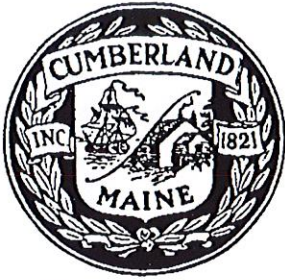


**Exhibit A**

(Legal Description of the Protected Property)

A certain lot or parcel of land situated on the island of Chebeague in the Town of Cumberland, County of Cumberland and State of Maine, bounded and described as follows:

Containing 6 acres, more or less, and being registered as



# MEMORANDUM

PLANNING DEPARTMENT  
TOWN OF CUMBERLAND, MAINE

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Date: June 23, 2004  
To: Cumberland Town Council  
From: Carla Nixon, Planning Director  
Subject: Proposed Ordinance Change for Home Occupations in the LB and HC Districts

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In our ongoing effort to simplify the land use permitting processes, the Planning Board has made a recommendation to amend the Zoning Ordinance. Currently, in the Local Business (LB) and Highway Commercial (HC) districts, home occupations require Board of Appeals Special Exception review in addition to the more costly and time-consuming Site Plan review by the Planning Board. The Planning Board believes that the types of issues that would be addressed by the Planning Board in its review (e.g., lighting, signage, and parking) could just as easily be addressed as part of the Board of Appeals review. Please note that this two-step process is only required in these two business zones, not in the residential zones. We are not sure why this was done, but speculation is that this was an attempt to require the same level of review for home occupations in the business zones, as that for traditional businesses. However, there have been several recent situations (Shiva Yoga, Cumberland Glass) in which this requirement has appeared to be excessive.

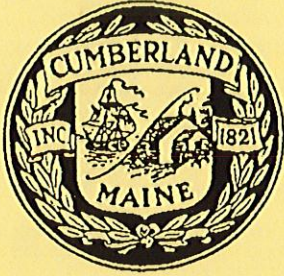
There are two goals listed in the *Economy* section of the current Comprehensive Plan which support this amendment. The first is: *To encourage home occupations*; the second is: *to diversify the tax base by encouraging economic development within existing commercial districts*.

I have made modifications to the language in the relevant sections of the Zoning Ordinance. These have been reviewed and approved by the Town Attorney, Natalie Burns, and the Code Enforcement Officer, Barbara McPheters.

I have attached the minutes from the May Planning Board meeting at which this change was suggested and discussed. At the June meeting, the Board voted unanimously to recommend this amendment to the Town Council.

I regret that I will be on vacation at the time that this item is brought before the Council; however I am confident that the Town Manager will be able to address any questions you may have.





# MEMORANDUM

PLANNING DEPARTMENT  
TOWN OF CUMBERLAND, MAINE

Date: June 10, 2004  
To: Cumberland Planning Board  
From: Carla Nixon, Planning Director  
Subject: Ordinance Change for Home Occupations in the LB and HC Districts

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At the end of last month's meeting I brought up the issue of whether we want to continue to require home occupations in the LB and HC zones to go through site plan review. The logic was that the issues we deal with such as lighting, signage, parking, etc., could be addressed during the Board of Appeals review for special exception approval. You all seemed agreeable and so here is the proposed language. It has been reviewed and approved by Natalie Burns, Town Attorney.

If you have any questions prior to the meeting, do not hesitate to call.

Carla



## Carla Nixon

---

**From:** Natalie L. Burns [nburns@JBGH.com]  
**Sent:** Thursday, May 20, 2004 2:48 PM  
**To:** Carla Nixon  
**Subject:** RE: Ord Change

Carla,

Yes, the proposed language does everything that you describe in your e-mail, so it's good to go.

Thanks,

Natalie

-----Original Message-----

**From:** Carla Nixon [mailto:cnixon@cumberlandmaine.com]  
**Sent:** Thursday, May 20, 2004 2:06 PM  
**To:** Natalie L. Burns  
**Cc:** Nancy Decker; Pam Bosarge (Pam Bosarge); Barbara McPheters  
**Subject:** Ord Change

Hi Natalie,  
 Could you give this attachment a quick look to make sure it is ok? We are planning to change the language in the LB and HC district regulations to exempt home occupations from site plan review. We are intending that the Board of Appeals can cover the minor issues that are associated, such as lighting, signage and parking.  
 Carla

**DISCLAIMER:**

This e-mail and any file or attachment transmitted with it, is only intended for the use of the person and/or entity to whom it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the recipient of this message is not the intended recipient or otherwise responsible for delivering the message to the intended recipient, be notified that any disclosure, distribution or copying of this information is strictly prohibited. If you received this communication in error, destroy all copies of this message, attachments and/or files in your possession, custody or control and any other copies you may have created, and notify the sender at (207) 775-7271 or at the sender's e-mail address listed above.



**DEFINITION (note: the definition is not changing):**

- .60 Home Occupations: Accessory use conducted within a dwelling or accessory structure by the residents thereof, which is clearly secondary to the dwelling used for living purposes and does not change the character
- 

**204.6 Local Business District (LB)**

The purpose of the Local Business District is to allow a limited range of local business and professional services for residential and rural areas within the Town. Site Plan Review is required for all uses and special exceptions, with the exception of single-family dwellings, home occupations, bed & breakfast inns with three or fewer guest bedrooms, and day care homes. [Amended, effective 12/13/89, Amended, effective:]

**204.6.1 The following uses are permitted within the LB District:**

- .1 Retail stores provided that no individual store shall exceed 5,000 square feet floor area, and provided that there shall be no more than three stores in any structure or group of attached stores
- .2 Personal Services
- .3 Business and professional offices
- .4 Private clubs
- .5 Lodging houses
- .6 Restaurant
- .7 Private schools
- .8 Municipal Uses and Buildings
- .9 Sewer pumping stations, subject to the provisions of Sec. 420.4;
- .10 Buildings accessory to single family dwellings [Amended, effective 8/10/98]
- .11 Timber harvesting [Amended, effective 10/26/98]
- .12 Landscaping services [Adopted, effective 11/22/99]
- .13 Telecommunications Facilities, subject to Site Plan Review and the provisions of Sec. 433. [Adopted, effective 12/13/99]
- .14 Uses and buildings accessory to those above.

**204.6.2 The following uses are allowed as special exceptions in the LB District requiring the approval of the Board of Adjustment and Appeals:**

- .1 Home Occupations
- .2 Single-family dwelling
- .3 Duplex Dwellings [Amended, effective 11/25/02]
- .4 Accessory structures of public utilities



- .5 Above ground utility transmission lines not located within public ways
- .6 The sale of gasoline and diesel fuel as an incident to the business of a retail store
- .7 Residential Care Facilities (see Sec. 432) [Amended, effective 9/14/88]
- .8 Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review; [Amended, effective 12/13/89]
- .9 Boarding kennels [Amended, effective 1/25/99]
- .10 Uses and buildings accessory to those above.

204.6.3 The following lot standards apply within the LB District:

- .1 40,000 square feet minimum lot size
- .2 In the case of duplex dwellings, there shall be no less than 40,000 square feet of lot area per dwelling unit; [Amended, effective 11/25/02]
- .3 In the case of multi-use business structures, there shall be no less than 15,000 square feet of lot area for each store located therein;
- .4 There shall be no less than 150 feet of lot frontage on a public right-of-way, and in the case of multi-use business structures there shall be no less than 75 feet of lot frontage on a public right-of-way for each store therein.

204.6.4 The following minimum setbacks are required for all structures in the LB District, except that residential driveways may be permitted to a minimum setback of fifteen (15) feet from side and rear lot lines:

- .1 Front: 50 feet;
- .2 Rear: 65 feet;
- .3 Side: 30 feet - combined width at least 65 feet

## 204.7 Highway Commercial District (HC)

The purpose of the HC District is to allow a wide range of business and professional uses that provide town-wide service, as well as roadside service for through traffic on major arterials. The HC district along Route 100 is also intended to allow boarding kennels. Site plan review and approval by the Planning Board is required, with the exception of single-family dwellings, home occupations, bed & breakfast inns with three or fewer guest bedrooms, and day care homes. [Amended, effective 12/13/89, Amended, effective 1/25/99, Amended, effective \_\_\_\_\_]



- 204.7.1 The following uses are permitted in the HC District:
- .1 Uses listed as permitted uses in the LB district under 204.6.1; [Amended, effective 5/15/89]
  - .2 Retail business and service establishments including garden centers, landscaping services, outdoor vehicle sales, gasoline stations, and drive-in sales and service; [Amended, effective 10/28/87]
  - .3 Hotels, motels;
  - .4 Municipal uses and buildings;
  - .5 Agriculture;
  - .6 Animal Husbandry;
  - .7 Private heliport, personal use, subject to Site Plan Review and to the provisions of Section 419;
  - .8 Sewer pumping stations, subject to the provisions of Sec. 420.4; [Amended, effective 12/13/89]
  - .9 Additions to and accessory structures to single-family dwellings existing as of the effective date of this amendment. [Amended, effective 8/10/98]
  - .10 Timber harvesting [Amended, effective 10/26/98]
  - .11 Telecommunications Facilities, subject to Site Plan Review and the provisions of Sec. 433, [Adopted, effective 12/13/99]
  - .12 Uses and buildings accessory to those above.

204.7.2 The following uses are allowed as special exceptions in the HC district, requiring the approval of the Board of Adjustment and Appeals:

- .1 Accessory structures of public utilities;
- .2 Warehousing and wholesale distribution related thereto, but exclusive of junk yards and salvaging operations;
- .3 Transportation termini;
- .4 Above ground utility transmission lines not located within public ways;
- .5 Light manufacturing, as defined;
- .6 Home occupations; [Amended, effective 12/13/89]
- .7 Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review; [Amended, effective 12/13/89]
- .8 Boarding kennels [Amended, effective 1/25/99]
- .9 Uses and buildings accessory to those above.

204.7.3 The following lot standards apply in the HC District:

- .1 40,000 square feet minimum lot size;
- .2 There shall be no less than 150 feet of lot frontage on a public right-of-way. [Amended, effective 8/10/98]

204.7.4 The following setbacks are required for all structures in the HC District:



- .1 Front: 50 feet;
- .2 Rear: 65 feet;
- .3 Side: 30 feet - combined width at least 65 feet.



Mr. Hunt stated that the screening of the driveway is necessary. Perhaps a deal with a neighbor to handle overflow parking may be helpful to the applicant.

Mr. Powers moved to find the application complete.

Ms. Howe seconded.

Vote: UNANIMOUS

11. Public Hearing – **TABLED** on proposed amendment to the Subdivision Ordinance, Section 11, 11.12, Final protection for Minor Subdivision.

F. Administrative:

Ms. Nixon reviewed the district regulations for Local Business or Highway Commercial zones. It states the use of the zone and what is required for such uses.

It states under Local Business:

The purpose of the Local Business District is to allow a limited range of local business and professional services for residential and rural areas within the Town. Site Plan Review is required for all uses and special exceptions, with the exception of single-family dwellings, bed & breakfast inns with three or fewer guest bedrooms, and day care homes. [Amended, effective 12/13/89]

Ms. Nixon stated that the type of issues that are addressed during Site Plan Review could be addressed by the Board of Appeals. For example, parking, signing, lighting, etc. If we are trying to keep the home occupation permitting a simple process, for a small limited use such as the yoga studio, then we should consider changing the ordinance to not require site plan review for home occupations in the HC and LB districts.

Ms. Nixon stated a business like use in a business type zone should be treated like another business would be. There is a distinction between a home occupation and other businesses.

Mr. Hunt stated that we do not do a site plan review in a residential district and he is happy with the Board of Appeals granting these home occupations.

Ms. Nixon reviewed the home occupation ordinance:

Sec. 414 Home Occupations

414.1 Any home occupation such as arts and crafts work, dressmaking, tutoring, music teaching, and the use of a portion of a residential building as a bed & breakfast inn, day care home, or as the office of a physician, dentist, lawyer, engineer, architect, hairdresser, barber, real estate broker, insurance agent, accountant or similar uses may be approved as a special exception by the Board of Adjustment and Appeals if: [Amended, effective 12/13/89]

- .1 The occupation of an office will be managed by a member of the family residing within the dwelling unit. Up to two employees who are not members of the family may be employed in a home occupation, and;
- .2 The occupation or office will be located wholly within the principal or accessory structures, and;
- .3 Exterior displays, exterior storage of materials, and exterior indication of the home occupation will not be permitted except for signs as may be specifically provided



for by the Board of Adjustment and Appeals and as may otherwise conform to the conditions of this Ordinance; and

- .4 Noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare will not be detectable beyond property limits, and;
- .5 Off-street parking spaces will be provided in an amount to be determined by the Board as necessary to avoid street congestion.

414.2 The granting of a special exception approval for a home occupation shall apply to the applicant only while the applicant resides at the property.

The Board agreed that Ms. Nixon will develop ordinance language to simplify the review process.

ADJOURNED AT 9:50PM

A TRUE COPY ATTEST:

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Mr. Philip Hunt, Board Chair

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Nancy Decker, Board Clerk



**03 - 123. To establish and appoint members to the Twin Brooks Facilities Committee.**

Manager Shane believes the overuse of the Twin Brook facilities has taxed the fields to a point where "we have to do something comprehensive...and with a plan in mind. It has been the Field of Dreams - we built it and they all came." He requested the immediate appointment of this committee so valuable time is not lost between now and April, at which time the committee will present recommendations to the Town Council.

The charge of the committee is as follows: BE IT ORDERED, that a Twin Brook Advisory Committee (The Committee) is hereby established in order to recommend measures which will help protect the Twin Brook Recreation Facility and assist the Town Council in developing usage and maintenance policies for the entire facility, including but not limited to parking, maintenance, inclement weather usage, trail maintenance, and an equitable user fee structure. The Committee shall be appointed for six months and shall conclude with a written report containing recommendations to the Cumberland Town Council. In March of 2004, the Committee shall provide the Town Council with an interim report.

The final report shall be submitted within 60 days of the interim report. Upon completion of its mission, or May 30, 2004, whichever is sooner, the Committee shall be disbanded. The Committee shall assist the Town Council with the development of policies and procedures for the following items: 1. Maintenance Plans, 2. Field development, 3. Field reconstruction and dormancy policy, 4. Trail development and maintenance, 5. Athletic field use policies, 6. Inclement weather policies, 7. Equitable fees for the use of the area, 8. Parking plans, and 9. Inventory of outside funding sources and grants available for public facilities. This list is intended to be a guide. All Committee ideas and recommendations are important and shall be added to the above list. The Committee members were recommended as follows: John Eldred and Phil Gleason as Co-Chairs, and members Mark Robinson, Jack Hardy, Eliza Miller, Linda Brewster, Melissa Skahan, Bob Stuart, Ellen Bowden, Peter Bingham, Pam Green. Councilors Moriarty, Savasuk and Porter will serve on the committee as council liaisons and support staff will consist of Manager William Shane, SAD 51 Business Manager Scott Poulin, and Recreation Director Bill Landis.

Chairman Porter explained that every attempt was made to include all categories of users and suggested the addition of a senior citizen representative be considered. Councilor Stiles requested a representative from the horse riders group and Councilor Kuntz recommended Melanie Vosine. Councilor Storey recommended the addition of Glenn Hutchins, an original member of the Twin Brooks committee.

Motion by Councilor Moriarty to approve the draft charge;  
Seconded by Councilor Damon.  
VOTE: UNANIMOUS 7-0

Motion by Councilor Stiles to approve the list of members as read; (which included the additions of Melanie Vosine, Glenn Hutchins, and a yet to be determined senior citizen representative);  
Seconded by Councilor Storey.  
VOTE: UNANIMOUS 7-0

## **TOWN OF CUMBERLAND COMMITTEE OPENINGS**

The Town of Cumberland is seeking applicants for openings on the newly formed Twin Brook Advisory Committee. The committee will work with the Recreation Director to advise the Town Council regarding property policy and use. Abutters are encouraged to participate. Applications can be downloaded at [www.cumberlandmaine.com](http://www.cumberlandmaine.com) or by contacting the Town Manager's Office at 829-2205. Applications should be returned no later than June 11<sup>th</sup>.

7-8  
4:30 p.m.



# NOMINATING COMMITTEE INTERVIEWS

## FOR THE TWIN BROOK ADVISORY COMMITTEE 7/08/04

**5:00 p.m.          Barbara Ream**

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**5:15 p.m.          Jon Seamans**

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**5:30 p.m.          John Andrews**

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**5:45 p.m.          Peter Gordon**

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Interested but not to be interviewed: Mr. or Mrs. Witte, Mark Robinson, and Glenn Hutchins.



**TOWN OF CUMBERLAND**  
**APPLICATION FOR MEMBERSHIP TO A TOWN BOARD OR COMMITTEE**

I AM INTERESTED IN SERVING ON THE FOLLOWING BOARD(S) OR COMMITTEE(S):

- |  |  |
|--|--|
| <input type="checkbox"/> BOARD OF ADJUSTMENT & APPEALS                   | <input type="checkbox"/> PRINCE MEMORIAL LIBRARY<br>ADVISORY BOARD   |
| <input type="checkbox"/> BOARD OF ASSESSMENT REVIEW                      | <input type="checkbox"/> LANDS & CONSERVATION<br>COMMISSION          |
| <input type="checkbox"/> BOARD OF SEWER APPEALS                          | <input type="checkbox"/> PLANNING BOARD                              |
| <input type="checkbox"/> CABLE TV REGULATORY BOARD                       | <input type="checkbox"/> PERSONNEL APPEALS                           |
| <input type="checkbox"/> COASTAL WATERS COMMISSION                       | <input type="checkbox"/> RECREATION/ COMMUNITY ED<br>ADVISORY BOARD  |
| <input type="checkbox"/> CUMBERLAND/YARMOUTH JOINT<br>STANDING COMMITTEE | <input type="checkbox"/> RECYCLING COMMITTEE                         |
| <input type="checkbox"/> CUMBERLAND HOUSING AUTHORITY                    | <input type="checkbox"/> SHELLFISH CONSERVATION<br>COMMISSION        |
| <input type="checkbox"/> CUMBERLAND ISLANDS COMMITTEE                    | <input type="checkbox"/> VAL HALLA & REC CENTER<br>BOARD OF TRUSTEES |
| <input type="checkbox"/> FIRE AND RESCUE DEPARTMENT                      |  |
| <input type="checkbox"/> LONG RANGE PLANNING                             |  |
| <input type="checkbox"/> STONE WHARF COMMITTEE (Chebeague)               | <input checked="" type="checkbox"/> Twin Brook Advisory Comm. tee    |

NAME:

Jon Seaman

ADDRESS:

145 Greely Rd

TELEPHONE: Home:

829-5830

Work:

286-2155

Fax:

EMAIL ADDRESS:

no-moss@juno.com

WHY ARE YOU INTERESTED IN SERVING ON THE BOARD (S) OR COMMITTEE(S) YOU HAVE SELECTED? DO YOU HAVE ANY SPECIAL TRAINING OR SKILLS IN THIS AREA?

As an abutter I have a vested interest in how Twin Brook is utilized. I have 3 sons (ages 7-13) who are active in sports and all of them are on sports teams that play at Twin Brook. As a coach for some of these teams, as well as being an officer on other sports clubs, teams that I've played on, I appreciate the need for quality sports venues. The key is to get use of playing fields without over using them. Maintaining the quality of the field is most important.

ARE YOU AVAILABLE FOR EVENING MEETINGS? Yes

DATE:

6/11/04

SIGNATURE:

Jon Seaman

**Note:** Thank you for your interest in serving the Town of Cumberland. This application will be kept on file for one year. You may be asked to attend a brief interview meeting with a subcommittee of the Town Council prior to your appointment when committee vacancies occur. Please return this form to the Town of Cumberland Administration Office at 290 Tuttle Road, Cumberland, ME 04021.

-----Town of Cumberland Use Only-----

Date Application Received \_\_\_\_\_

Interview Date \_\_\_\_\_

Committee/Board \_\_\_\_\_

Term Expiration \_\_\_\_\_



# Town of Cumberland

## Application for membership to a Town Board or Committee

received  
6-9-04

I am interested in serving on the following board (s) or committee (s):

- |   |   |
|---|---|
| <input type="checkbox"/> Board of Adjustment & Appeals            | <input type="checkbox"/> Board of Assessment Review         |
| <input type="checkbox"/> Board of Sewer Appeals                   | <input type="checkbox"/> Coastal Waters Commission          |
| <input type="checkbox"/> Cumberland Housing Authority             | <input type="checkbox"/> Cumberland Islands Committee       |
| <input type="checkbox"/> Lands & Conservation Commission          | <input type="checkbox"/> MSAD 51 Board of Directors         |
| <input type="checkbox"/> Prince Memorial Library Advisory Board   | <input type="checkbox"/> Personnel Appeals Board            |
| <input type="checkbox"/> Planning Board                           | <input type="checkbox"/> Recreation/Com. Ed. Advisory Board |
| <input type="checkbox"/> Rines Property Committee                 | <input type="checkbox"/> Shellfish Conservation Commission  |
| <input type="checkbox"/> Solid Waste Advisory Committee           | <input type="checkbox"/> Stone Wharf Committee              |
| <input checked="" type="checkbox"/> Twin Brook Advisory Committee | <input type="checkbox"/> Volunteer Fire/Rescue              |
| <input type="checkbox"/> Val Halla Board of Trustees              |   |

Please Print or Type:

NAME: Peter Gordon **Gordon**

**9 Farms Edge**  
Cumberland, ME 04021

STREET: \_\_\_\_\_

TOWN: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

HOME: 629-3933 WORK: 774-5816 FAX: \_\_\_\_\_

EMAIL: PGordon1@Maine-rr.com

Why are you interested in serving on the board(s) or committee(s) you have selected? Do you have any special training or skills in this area?

After and previously served on Twinbrook  
Development Committee

ARE YOU AVAILABLE FOR EVENING MEETINGS? Yes

DATE 6-9-04 SIGNATURE: Peter Gordon

Note: Thank you for your interest in serving the Town of Cumberland. This application will be kept on file for one year. You may be asked to attend a brief interview meeting with a subcommittee of the Town Council prior to your appointment when committee vacancies occur. Please return this form to the Town Clerk at 290 Tuttle Road, Cumberland, ME 04021.

# Town of Cumberland

Application for membership to a Town Board or Committee

received  
6-9-04

I am interested in serving on the following board (s) or committee (s):

- |   |   |
|---|---|
| <input type="checkbox"/> Board of Adjustment & Appeals            | <input type="checkbox"/> Board of Assessment Review         |
| <input type="checkbox"/> Board of Sewer Appeals                   | <input type="checkbox"/> Coastal Waters Commission          |
| <input type="checkbox"/> Cumberland Housing Authority             | <input type="checkbox"/> Cumberland Islands Committee       |
| <input type="checkbox"/> Lands & Conservation Commission          | <input type="checkbox"/> MSAD 51 Board of Directors         |
| <input type="checkbox"/> Prince Memorial Library Advisory Board   | <input type="checkbox"/> Personnel Appeals Board            |
| <input type="checkbox"/> Planning Board                           | <input type="checkbox"/> Recreation/Com. Ed. Advisory Board |
| <input type="checkbox"/> Rines Property Committee                 | <input type="checkbox"/> Shellfish Conservation Commission  |
| <input type="checkbox"/> Solid Waste Advisory Committee           | <input type="checkbox"/> Stone Wharf Committee              |
| <input checked="" type="checkbox"/> Twin Brook Advisory Committee | <input type="checkbox"/> Volunteer Fire/Rescue              |
| <input type="checkbox"/> Val Halla Board of Trustees              |   |

Please Print or Type:

NAME: Peter Gordon Gordon  
9 Farms Edge  
Cumberland, ME 04021

STREET: \_\_\_\_\_

TOWN: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

HOME: 629-3933 WORK: 774-5816 FAX: \_\_\_\_\_

EMAIL: PGordon1@Maine-rr.com

883-5897

Why are you interested in serving on the board(s) or committee(s) you have selected? Do you have any special training or skills in this area?

After and previously served on Twinbrook  
Development Committee

ARE YOU AVAILABLE FOR EVENING MEETINGS? yes

DATE: 6-9-04 SIGNATURE: Peter Gordon

Note: Thank you for your interest in serving the Town of Cumberland. This application will be kept on file for one year. You may be asked to attend a brief interview meeting with a subcommittee of the Town Council prior to your appointment when committee vacancies occur. Please return this form to the Town Clerk at 290 Tuttle Road, Cumberland, ME 04021.



## Nadeen Daniels

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**From:** William Shane  
**Sent:** Wednesday, May 26, 2004 1:39 PM  
**To:** 'Mark Robinson'  
**Cc:** Nadeen Daniels  
**Subject:** RE: Twin Brooks

Mark,

I think you may have misread the group, there were underlying issues (Non-Twin Brook) circulating at the table which may have caused the group's outward appearance to seem less than enthusiastic.

We're trying to schedule a June 14 workshop now at which time you'll get better feedback. Overall, the comments I've heard have been supportive with some minor tweaking in the language.

I'll forward your request to Nadeen to add to the interview list for consideration on the committee.

Bill

William R. Shane, P.E.  
Town Manager  
290 Tuttle Road  
Cumberland, Maine 04021

(207) 829-2205 Phone  
(207) 829-2224 FAX  
wshane@cumberlandmaine.com

-----Original Message-----

**From:** Mark Robinson [mailto:mrobinson2@llbean.com]  
**Sent:** Wednesday, May 26, 2004 1:17 PM  
**To:** William Shane  
**Subject:** Twin Brooks

Hi Bill. I was hoping you would throw my name into the hat for the Twin Brooks Advisory Board. I will be away quite a bit in the next month. Quebec on a LL Bean Trout Trip etc. I know, its a tough job but someone has to do it! I don't want to take the chance of missing the announcement or being away during the application period. I have a deep interest in Twin Brooks and have been involved in it one way or the other since the idea first surfaced. Thanks for your help.....On another note, we all left the meeting the other night very unsure of the comments made about the proposal by a few councilors. I would not say the report was received in a very positive fashion. Any Thoughts?



**TOWN OF CUMBERLAND**  
**APPLICATION FOR MEMBERSHIP TO A TOWN BOARD OR COMMITTEE**



I AM INTERESTED IN SERVING ON THE FOLLOWING BOARD(S) OR COMMITTEE(S):

- |   |   |
|---|---|
| <input type="checkbox"/> BOARD OF ADJUSTMENT & APPEALS                | <input type="checkbox"/> PRINCE MEMORIAL LIBRARY ADVISORY BOARD             |
| <input type="checkbox"/> BOARD OF ASSESSMENT REVIEW                   | <input type="checkbox"/> LANDS & CONSERVATION COMMISSION                    |
| <input type="checkbox"/> BOARD OF SEWER APPEALS                       | <input type="checkbox"/> PLANNING BOARD                                     |
| <input type="checkbox"/> CABLE TV REGULATORY BOARD                    | <input type="checkbox"/> PERSONNEL APPEALS                                  |
| <input type="checkbox"/> COASTAL WATERS COMMISSION                    | <input checked="" type="checkbox"/> RECREATION/ COMMUNITY ED ADVISORY BOARD |
| <input type="checkbox"/> CUMBERLAND/YARMOUTH JOINT STANDING COMMITTEE | <input type="checkbox"/> RECYCLING COMMITTEE                                |
| <input type="checkbox"/> CUMBERLAND HOUSING AUTHORITY                 | <input type="checkbox"/> SHELLFISH CONSERVATION COMMISSION                  |
| <input type="checkbox"/> CUMBERLAND ISLANDS COMMITTEE                 | <input type="checkbox"/> VAL HALLA & REC CENTER BOARD OF TRUSTEES           |
| <input type="checkbox"/> FIRE AND RESCUE DEPARTMENT                   |   |
| <input type="checkbox"/> LONG RANGE PLANNING                          |   |
| <input type="checkbox"/> STONE WHARF COMMITTEE (Chebeague)            | <input checked="" type="checkbox"/> <i>Twin Brook Advisory Cmttee</i>       |

NAME: Glenn Hutchins

ADDRESS: 7 Crestwood Road

TELEPHONE: Home: \_\_\_\_\_ Work: \_\_\_\_\_ Fax: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

WHY ARE YOU INTERESTED IN SERVING ON THE BOARD (S) OR COMMITTEE(S) YOU HAVE SELECTED? DO YOU HAVE ANY SPECIAL TRAINING OR SKILLS IN THIS AREA?

(per William Shane)

ARE YOU AVAILABLE FOR EVENING MEETINGS? \_\_\_\_\_

DATE: 6-21-04 SIGNATURE: \_\_\_\_\_

**Note:** Thank you for your interest in serving the Town of Cumberland. This application will be kept on file for one year. You may be asked to attend a brief interview meeting with a subcommittee of the Town Council prior to your appointment when committee vacancies occur. Please return this form to the Town of Cumberland Administration Office at 290 Tuttle Road, Cumberland, ME 04021.

-----Town of Cumberland Use Only-----

Date Application Received \_\_\_\_\_

Interview Date \_\_\_\_\_

Committee/Board \_\_\_\_\_

Term Expiration \_\_\_\_\_





**TOWN OF CUMBERLAND**  
**APPLICATION FOR MEMBERSHIP TO A TOWN BOARD OR COMMITTEE**



I AM INTERESTED IN SERVING ON THE FOLLOWING BOARD(S) OR COMMITTEE(S):

- |  |  |
|--|--|
| <input type="checkbox"/> BOARD OF ADJUSTMENT & APPEALS                   | <input type="checkbox"/> PRINCE MEMORIAL LIBRARY<br>ADVISORY BOARD   |
| <input type="checkbox"/> BOARD OF ASSESSMENT REVIEW                      | <input type="checkbox"/> LANDS & CONSERVATION<br>COMMISSION          |
| <input type="checkbox"/> BOARD OF SEWER APPEALS                          | <input type="checkbox"/> PLANNING BOARD                              |
| <input type="checkbox"/> CABLE TV REGULATORY BOARD                       | <input type="checkbox"/> PERSONNEL APPEALS                           |
| <input type="checkbox"/> COASTAL WATERS COMMISSION                       | <input type="checkbox"/> RECREATION/ COMMUNITY ED<br>ADVISORY BOARD  |
| <input type="checkbox"/> CUMBERLAND/YARMOUTH JOINT<br>STANDING COMMITTEE | <input type="checkbox"/> RECYCLING COMMITTEE                         |
| <input type="checkbox"/> CUMBERLAND HOUSING AUTHORITY                    | <input type="checkbox"/> SHELLFISH CONSERVATION<br>COMMISSION        |
| <input type="checkbox"/> CUMBERLAND ISLANDS COMMITTEE                    | <input type="checkbox"/> VAL HALLA & REC CENTER<br>BOARD OF TRUSTEES |
| <input type="checkbox"/> FIRE AND RESCUE DEPARTMENT                      | <input checked="" type="checkbox"/> <i>Turn Brook Advisory Cmtee</i> |
| <input type="checkbox"/> LONG RANGE PLANNING                             |  |
| <input type="checkbox"/> STONE WHARF COMMITTEE (Chebeague)               |  |

NAME: Anne or Nick Witte

ADDRESS: 89 Tuttle Road

TELEPHONE: Home: \_\_\_\_\_ Work: \_\_\_\_\_ Fax: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

WHY ARE YOU INTERESTED IN SERVING ON THE BOARD (S) OR COMMITTEE(S) YOU HAVE  
SELECTED? DO YOU HAVE ANY SPECIAL TRAINING OR SKILLS IN THIS AREA?

(per Bill Landis)

ARE YOU AVAILABLE FOR EVENING MEETINGS? \_\_\_\_\_

DATE: 6-21-04 SIGNATURE: \_\_\_\_\_

**Note:** Thank you for your interest in serving the Town of Cumberland. This application will be kept on file for one year. You may be asked to attend a brief interview meeting with a subcommittee of the Town Council prior to your appointment when committee vacancies occur. Please return this form to the Town of Cumberland Administration Office at 290 Tuttle Road, Cumberland, ME 04021.

-----Town of Cumberland Use Only-----

Date Application Received \_\_\_\_\_

Interview Date \_\_\_\_\_

Committee/Board \_\_\_\_\_

Term Expiration \_\_\_\_\_

## Nadeen Daniels

---

**From:** Bill Landis [blandis@virtualtownhall.net]  
**Sent:** Monday, May 17, 2004 8:03 AM  
**To:** Nadeen Daniels  
**Subject:** Fwd: Application for Board or Commission

Town: cumberlandme

Name: Barbara Ream  
Address: 92 Foreside Rd.  
Cumberland F'Side, ME 04110  
Home Phone: 207-632-6934 (cell)  
Work Phone: 207-828-7244  
Fax:  
Email: bream@maine.rr.com

Lands & Conservation Commission, Long Range Planning,

I am newly relocated to Cumberland, ME and have a strong interest long-range planning and land conservation. I served briefly as Commissioner on the Lincoln Conservation Commission in Lincoln, MA with a focus on multi-use trails, land trusts, and wetlands protection. I have worked professionally in financial services for the past 25 years with an emphasis on strategic planning, process redesign, and project management. I travel fewer hours and have greater flexibility to commit to serving on committees or boards.

Are you available for evening meetings?

Yes.

[additional\_question\_2]



ms Barbara

Hi Mr. Ream,

5:00 would work great. If you provide me with a fax number, I'll fax you some info beforehand. There is no info on the web site at this time. I will see you at 5:00 p.m.

Nadeen Daniels

-----Original Message-----

**From:** Bill Ream [mailto:bream@maine.rr.com]

**Sent:** Saturday, July 03, 2004 8:26 AM

**To:** Nadeen Daniels

**Subject:** Re: Twin Brooks Advisory Cmte

----- Original Message -----

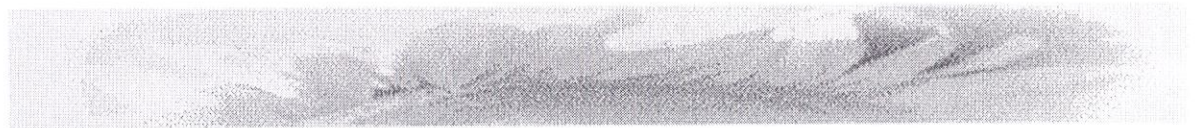
**From:** Nadeen Daniels

**To:** [bream@maine.rr.com](mailto:bream@maine.rr.com)

**Sent:** Thursday, July 01, 2004 5:21 PM

**Subject:** Twin Brooks Advisory Cmte

I can meet with the Nomination Committee from 5:00 PM on. I've searched the Town of Cumberland web site for information on Twin Brook and have not been able to pull up much detail. Can I ask you to direct me to the right area on the site or to forward information in advance of the meeting please.



Hello Ms. Ream,

The Nominating Committee would like to meet with the applicants for the Twin Brook Advisory Committee on Thursday, July 8<sup>th</sup> beginning at 4:30 p.m. at Town Hall. Interviews will be conducted in 15 minutes increments. If you are interested in serving on this committee, could you please let me know your availability between 4:30 and 5:30?

Thank you,  
Nadeen Daniels  
Town Clerk

## Nadeen Daniels

---

**From:** no-moss@juno.com  
**Sent:** Friday, July 02, 2004 11:37 AM  
**To:** Nadeen Daniels  
**Subject:** Re: Twin Brooks Advisory Cmte

Hi Nadeen,

I am available at 5:15 or 5:30pm on July 8th to meet with the Nominating Committee.

Thank you,  
Jon

---

The best thing to hit the Internet in years - Juno SpeedBand! Surf the Web up to FIVE TIMES FASTER! Only \$14.95/ month - visit [www.juno.com](http://www.juno.com) to sign up today!



Hi Mark, I will let the council know you are unavailable. Both Jeff Porter and Steve Moriarty feel as you do; an interview is not necessary. I will contact you again at the conclusion of the interview process.

Thanks for your reply,  
Nadeen

-----Original Message-----

From: Mark Robinson [mailto:mrobinson2@llbean.com]  
Sent: Tuesday, July 06, 2004 8:30 AM  
To: Nadeen Daniels  
Subject: Re: Twin Brooks Advisory Cmte

Good Morning Nadeen, I appreciate the Mr Robinson, but my name is Mark, please feel free to use it. I have a previous business commitment Thursday and will not be able to attend the nominating committee meeting. All the members of the committee are very familiar with me and my service to the community, and I am not sure they would gain any further insight with a 15 minute meeting. If they would like to meet at another time I would be happy to do so, with the exception of 7/10-7/25 as I will be at camp. Hope this finds you well, have a great day.

>>> "Nadeen Daniels" <ndaniels@cumberlandmaine.com> 07/01/04 05:19PM >>>

Hello Mr. Robinson,

The Nominating Committee would like to meet with the applicants for the Twin Brook Advisory Committee on Thursday, July 8th beginning at 4:30 p.m. at Town Hall. Interviews will be conducted in 15 minutes increments. Could you please let me know your availability between 4:30 and 5:30?

Thank you,

Nadeen Daniels

Town Clerk

TO: TOWN COUNCIL MEMBERS  
FROM: NOMINATING COMMITTEE  
RE: APPOINTMENTS TO THE TWIN BROOK ADVISORY COMMITTEE  
DATE: July 8, 2004

---

The Nominating Committee met on Thursday, July 8, 2004 to interview interested candidates for the Twin Brook Advisory Committee.

The following slate of nominees is recommended for appointment on July 12, 2004:

Mark Robinson, 388 Main Street

Glenn Hutchins, 7 Crestwood Road

John Eldredge, 214 Pleasant Valley Road

Peter Gordon, 9 Farms Edge Way

Jon Seamans, 145 Greely Road

John Andrews, 50 Shady Run Lane



## Nadeen Daniels

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**From:** Jeffrey.Porter@mail.doc.gov  
**Sent:** Monday, July 12, 2004 9:05 AM  
**To:** Nadeen Daniels  
**Subject:** Nomination for Clerk

Nadeen,

Could you contact Chuck today to see if he could come in for a brief meet and greet tonight at 6:45. I would like to appoint him this evening.

Jeff

=====

Jeffrey W. Porter  
Senior International Trade Specialist  
U.S. Department of Commerce, Commercial Service  
511 Congress Street  
Portland, Maine 04101

Phone (207) 541-7430

Fax (207) 541-7420

Jeffrey.Porter@mail.doc.gov

----- Forwarded by Jeffrey Porter/MAINE/USFCS/USDOC on 07/12/2004 09:07 AM

"Robert Storey"  
<rstorey@maine.rr.com>  
To: "Mark Kuntz" <chinook96@msn.com>  
<Jeffrey.Porter@mail.doc.gov>  
cc: "Peter McKenney"  
<mckenp@maine.rr.com>, "William  
07/11/2004 08:48  
PM  
Shane" <wshane@cumberlandmaine.com>  
Subject: Nomination for Clerk

As I discussed with you at the Memorial Day Parade, Chuck Sanders is willing to become the new clerk for the Cemetery Association. Chuck's phone number is 781-2086 and his email is remle@maine.rr.com. I haven't met Chuck yet--only on the telephone and emails. I am planning to hold a Trustee's meeting on Sunday, August 6th, if the Trustee's are able to make it. At that time we will vote on approving a contractor to clean and straighten stones at Congregational and authorize the spending. We will also select a clerk at that time.

TO: TOWN COUNCIL MEMBERS  
FROM: NOMINATING COMMITTEE  
RE: APPOINTMENTS TO THE TWIN BROOK ADVISORY COMMITTEE  
DATE: July 8, 2004

---

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Peter Gordon, 9 Farms Edge Way

Jon Seamans, 145 Greely Road

John Andrews, 50 Shady Run Lane

Chuck Sanders



*This is the Original Charge of the first Committee's. I believe it should remain as originally stated and amended or revised by the Town Council*

**The charge of the committee is as follows:**

**BE IT ORDERED**, that a **Twin Brook Advisory Committee** (The Committee) is hereby established in order to recommend measures which will help protect the Twin Brook Recreation Facility and assist the Town Council in developing usage and maintenance policies for the entire facility, including but not limited to parking, maintenance, inclement weather usage, trail maintenance, and an equitable user fee structure. The Committee shall prepare an Annual Report for the Town Council and present its report at a regularly scheduled Council Meeting each year in April.

The Committee shall assist the Town Council with the development of policies and procedures for the following items:

1. Maintenance Plans
2. Field development
3. Field reconstruction and dormancy policy
4. Trail development and maintenance
5. Athletic field use policies
6. Inclement weather policies
7. Equitable fees for the use of the area
8. Parking plans
9. Inventory of outside funding sources and grants available for public facilities.

This list is intended to be a guide. All Committee ideas and recommendations are important and shall be added to the above list.



## **Twin Brook Advisory Committee**

### **Additional Recommendations to the Cumberland Town Council**

**May 11, 2004**

1. **Form a Twin Brook board of trustees.** Similar to the Val Halla board, this council-appointed board would advise the town council and the town's Community Education & Recreation Department on matters pertaining to the development, management, use and stewardship of Twin Brook Recreation Area. This board should consist of no more than seven members, with representation from the town council, SAD 51, and the community.
2. **Coordinate field use among SAD51, the town of Cumberland, and the town of North Yarmouth.** There are a number of playing fields currently in use, under construction, or planned for future construction. Examples include Greely High School, North Yarmouth Memorial School, Sharp's Field, Twin Brook (Tuttle Road side), Twin Brook (Greely Road side), West Cumberland, and Gillespie's Farm. It is essential that the use of these fields be coordinated in a way that they are neither overused nor underutilized, and that they be taken offline and/or upgraded periodically in a way that best serves the interests of all the recreational programs in our community requiring field use.

We further recommend that a common fee structure be established among all fields owned and controlled by the town of Cumberland and SAD51. This will ensure that all parties are treated fairly, regardless of which fields they reserve for use.

3. **Undertake a long-term capital program to fund the upgrading and maintenance of playing fields.** The towns of Cumberland and North Yarmouth should consider, plan and implement an appropriate capital campaign(s) that will provide necessary funds for the upgrading and maintenance of core playing fields. Evidence shows that the right investment up front will save time and money over the long-term.
4. **Seriously consider the funding and construction of a turf field.** In Maine's harsh climate, a turf field—although expensive to build—requires little maintenance and offers a reliable playing surface for a much greater portion of the year than traditional natural grass fields. We recommend that both the town of Cumberland and SAD51 collaborate in exploring approaches to funding the design and construction of a high quality artificial turf field.



## *Twin Brook Suggested Five year Re-construction Plan For Fields*

### Greely Road – Twin Brook

Summer 2004 - July

- Greely road front field; with the assistance from Cumberland Public Works and Cumberland Parks will shape field, add sand and drainage, loam and seed. (Field ready for Spring 2005)

### Tuttle Road – Twin Brook

Summer 2005

- Hire contractor to re-construct "Entrance Field", this would require removing top-soil, shape surface add drainage, sand, in field irrigation, loam and seed. (Field ready Fall 2006)

Summer 2006

- Hire contractor to re-construct "Back Field Left" this would require removing top-soil, shape surface add drainage, sand, in field irrigation, loam and seed. (Field ready Fall 2007)

Summer 2007

- Hire contractor to re-construct "Back Field Right" this would require removing top-soil, shape surface add drainage, sand, in field irrigation, loam and seed. (Field ready Fall 2008)

Summer 2008

- Start rotation of resting one field – Twin Brook Tuttle Road site.
- Replace game field at High School with Synthetic Turf field.

Time	Field Location	Amount \$	Funded by	Ready
Summer 2004	Greely Rd. Front MP	\$15K	Council	Spring 2005
Summer 2005	Tuttle Rd. "Entrance"	\$75K	Bond	Fall 2006
Summer 2006	Tuttle Rd "Far Left"	\$75K	Bond	Fall 2007
Summer 2007	Tuttle Rd "Far Right"	\$75K	Bond	Fall 2008
Summer 2008	Greely High Game	\$850K	Bond	Fall 2008

# Facility Request Form – Twin Brook Recreation Area

Please complete form and return to:

Cumberland Recreation  
290 Tuttle Road Cumberland  
Cumberland, ME 04021

**Note !**

Completed application is due  
2 weeks prior to scheduled  
activity.

## Park and/or Athletic Field Application

Name of Organization: \_\_\_\_\_

Name of Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_ City \_\_\_\_\_

H-Phone: \_\_\_\_\_ W-Phone \_\_\_\_\_ Cancellation Phone \_\_\_\_\_

Planned Activity \_\_\_\_\_

Date of Activity \_\_\_\_\_ Time Requested \_\_\_\_\_ Start \_\_\_\_\_ End \_\_\_\_\_

### Facility or Field(s) Requested: (please check all that apply)

1. Game Field \_\_\_\_\_ 2. Practice Field Left \_\_\_\_\_ 3. Practice Field Right \_\_\_\_\_ 4. Trails \_\_\_\_\_

5. Multi-purpose Field (Greely Road) \_\_\_\_\_

6. Park Area(s) specific \_\_\_\_\_

Number of Participants : Adults \_\_\_\_\_ Youth \_\_\_\_\_ Number of Spectators \_\_\_\_\_  
(if applicable)

### Special request(s)

Refreshments and/or sale of products – exclusive control (please check) Yes \_\_\_\_\_ No \_\_\_\_\_

Exclusive use of Twin Brook Facility – Tuttle Road Park \_\_\_\_\_ Greely Road Park \_\_\_\_\_ Both \_\_\_\_\_

Notes and/or Comments

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Fee Structure:

**Resident: Practice or Game Field Cost for Resident Groups / Teams (SAD51 Teams exempt)**  
(50 % of players on team must be from Cumberland/N. Yarmouth to equal resident rate)

<i>Fee per Participant</i>	<i>Hours of Use</i>
\$2.00	0 – 5 hours
\$5.00	6 – 15 hours
\$10.00	16 – 30 hours
\$ 15.00	30 – 45 hours
\$20.00	46 - + hours

Non-Resident: Group/Team practice/game.      Fee: \$50.00 per hour

**Major Event/Tourney**

Usage fee to be set by Twin Brook Trustees – mass gathering permit also required.

Signature of Group/Team Representative - acknowledgement of having read Twin Brook Policies

\_\_\_\_\_ Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Please make check payable to: Town of Cumberland

Office check off

Date application received \_\_\_\_\_ Within 2 weeks of scheduled use \_\_\_\_ Yes \_\_\_\_ No

Fee received: \_\_\_\_\_ Copy of Insurance received \_\_\_\_ Yes \_\_\_\_ No

Permission:      Granted \_\_\_\_\_ Denied \_\_\_\_\_

Signature of Recreation Administrator or designee: \_\_\_\_\_

Date of approval \_\_\_\_\_

Comments \_\_\_\_\_  
\_\_\_\_\_

## TWIN BROOK RECREATION AREA POLICIES AND RULES

1. General. The Twin Brook Recreation Area is owned by the Town of Cumberland, and shall be administered by the Cumberland Recreation Department, which shall periodically consult with and report to the Twin Brook Board of Trustees and the Cumberland Town Council.

2. Priorities. MSAD 51 athletic programs shall have first priority with respect to use of Twin Brook playing fields and athletic facilities, and Cumberland Recreation Department programs intended specifically for Cumberland and North Yarmouth residents shall have second priority. Priorities are subject to ongoing review.

3. Field Use. There shall be no organized use of the playing fields on Sundays until 1 p.m. There shall be no organized use of the "back" playing fields after the third week in October (the exact date to be within the discretion of the Cumberland Recreation Director), to allow for reseeding.

4. Cancellation. The Cumberland Recreation Director or his nominee shall have the absolute right to cancel scheduled events due to inclement weather or if he determines, in his sole discretion, that a playing field or other facility is unplayable. In such event, the scheduled user shall be entitled to a refund of fees paid.

5. Applications. All application forms for the use of Twin Brook athletic facilities must typically be submitted to the Cumberland Recreation Department at least two (2) weeks prior to the requested date of use but not more than three (3) months before such date to help facilitate fair and equitable scheduling. All fees must be paid, proof of insurance provided, and all other stipulations met before the permit is issued. If



the permit must be withdrawn due to a scheduling conflict , all fees will be refunded. If the user chooses not to use the facility as requested and notifies the Cumberland Recreation Department at least two (2) weeks before the scheduled usage date, there will be a full refund. There will be no refund of fees if notification occurs less than two (2) weeks before the scheduled usage date unless there is an unusually compelling reason for such a default. A copy of each application will be kept on file at the Cumberland Recreational Department offices. The individual whose signature appears on any such application form will be considered the individual responsible for the supervision and use of the facility/facilities requested and he/she must provide adequate and appropriate supervision at all times. He/she will also be responsible for all rental fees, proof of liability insurance/bodily harm, facility/equipment damages, theft, or loss of any kind that occurs related to usage of the facility.

6. Insurance. The MSAD 51/Town of Cumberland property insurance and general liability insurance does not extend to community groups or individuals utilizing Twin Brook facilities. Therefore, any individuals or groups using Twin Brook facilities for any organized purpose are advised to obtain an insurance bond for liability (one million dollars (\$1,000,000)) and damage (twenty-five thousand dollars (\$25,000)) before signing for a facility permit. The Cumberland Recreation Department may insist upon such insurance as a requirement before issuing a usage permit. The Town of Cumberland shall be named as additional insured in all such policies and all insurance provided by the facility user shall be primary to any insurance which the Town of Cumberland may have. All insurance required hereunder shall be placed with insurers licensed to do business in the State of Maine and acceptable to the Cumberland Recreation Department.

7. Indemnity. Any individual or group utilizing Twin Brook facilities for any purpose (including non-permitted walk-on use) agrees to save, indemnify and hold harmless the Town of Cumberland and all its employees, the Town Council and all its members, the Twin Brooks Board of Trustees and all its members, and the Cumberland Recreation Department and all of its employees, from and against, any and all liabilities, actions, courses of action and damages arising out of any negligent or tortuous acts on the part of the facilities applicant, applicants' employees or agents, and from any and all fines, suits, claims, demands and actions of any kind or nature of any and all persons by virtue of or arising from the use of said facilities, equipment, or activity participation. It is also important to note that participation in recreational and athletic activities can cause bodily injury, sickness, disease, or death or injury to or destruction of tangible property, including the loss or use thereof. Therefore, all of the aforementioned groups and individuals shall also be held harmless from and against all claims, damages, losses, and expenses, just or unjust, included but not limited to costs of defense, including attorney's fees arising out of or resulting from the performance of any facility usage agreement.

8. Modifications. The Town of Cumberland reserves the right to waive, modify, or institute requirements in addition to those listed herein should it be deemed necessary and/or in the best interest of the Town of Cumberland.

9. Fees. The Cumberland Recreation Department shall approve a schedule of fees for the use of Twin Brook facilities, which schedule shall be subject to ongoing review.

10. Miscellaneous.

a. MSAD 51 and the Cumberland Recreation Department are only



expected to service their own sanctioned programs. All other users are allowed to utilize the Twin Brook facilities at their own risk on an "as is, where is" basis. There should not be any expectation from permit users that the facilities will be "set up" for their specific use or situation. If the Cumberland Recreation Department is able to provide a special service over and above its normal employment requirements, it will have to be at an extra expense and considered an "act of good will," not an expectation for any future use.

b. It is the responsibility of the persons or organizations using the Twin Brook facilities to leave them in the same condition in which they were received. If this is not done to the satisfaction of the Cumberland Recreation Department, a charge shall be levied for any required "clean-up", "pick-up", or "fix-up" costs (including labor) in excess of any fees that would otherwise be applicable. A lack of respect and responsibility could result in the denial of future permits to the permit applicant or group. Any proposed alteration to a Twin Brook facility must be approved in writing in advance.

c. It is the responsibility of the persons or organizations using Twin Brook facilities to inform all participants of program cancellations if such programs are cancelled.

d. No permitted or walk-in user shall change the appearance, rearrange, or attempt to improve the Twin Brook facilities to meet his/her needs without the express consent of the Cumberland Recreation Department.

e. The Cumberland Recreation Department reserves the right to require supervisory personnel to be present during the use of Twin Brook

facilities at the expense of the individual or group in question.

f. All individuals or groups using Twin Brook facilities are responsible for the preservation of order during all activities and are required to comply with all applicable statutes, Town of Cumberland ordinances (including the requirement of obtaining a mass gathering permit, if applicable), and regulations, in addition to any policies or conditions imposed by the Cumberland Recreation Department . If security is deemed to be necessary, arrangement and payment for police services shall be the responsibility of the individual or group in question. Proof of police protection or private security may be required to receive the initial permit.

g. The possession, consumption or sale of alcoholic beverages, tobacco products or illegal drugs at Twin Brook facilities is prohibited.

h. Gambling on Twin Brook facilities is prohibited unless allowed as an approved, legal, fund raiser (i.e. casino nights, fifty-fifty (50/50) raffles and bingo) for school or community booster groups. Such activities must be approved by the Cumberland Recreation Department.

i. The use of weapons, open flames (including candles), or other incendiary special effects is prohibited at Twin Brook facilities unless approved in advance by the Cumberland Fire Department. At all times, the user or owner of such devices will remain liable for any harm or damages inflicted on other human beings, private property, or Twin Brook facilities.

j. Dogs must be on a leash at all times, except in areas specifically designated as "leash free," and the person in charge of the dog is responsible for



cleaning up wastes released by the dog. During the non-winter months, dogs may be walked on all pasture areas and trails (except when the trails are in use for a running event) but not on the playing fields. During the winter months, dogs may be walked or sledded in any area except for groomed ski trails. The person in charge of the dog will be liable for any personal harm or damage caused by the animal while at Twin Brook.

k. During the non- winter months, horses may be ridden along the perimeters of pasture areas and trails when firm (except when the trails are in use for a running event), but not on the playing fields. During the winter months, horses may be ridden along the perimeters of pasture areas only; riding on groomed ski trails is not permitted. Owners are responsible for cleaning up after their horses. Manure must be kicked off trails into the woods. Owners are responsible for cleaning up after their horses around trailers parked in the parking lots (manure, hay, etc.).

l. Mountain biking is permitted only when trails are firm and there are no running or skiing events scheduled.

m. Activities such as kiting, model rocket and model airplane flying should take place in open pasture locations well away from any organized activities.

n. Picnicking is welcome during daylight hours. Picnickers are responsible for cleaning up after themselves. In order to use a heat source for barbecuing or grilling, a permit must be obtained from the Town of Cumberland. Open fires are prohibited.

o. Overnight camping is prohibited.

p. All permit applicants must restrict themselves to appropriate use of all Twin Brook facilities. Facility use shall be dictated by design. Twin Brook fields and trails are for foot traffic only. The only motorized vehicles in or on Twin Brook facilities should be maintenance vehicles. All other vehicles or recreational equipment such as four-wheel drives, snowmobiles, roller blades, scooters, skateboards, bicycles, motorcycles etc. are prohibited without permission of the Cumberland Recreation Department.

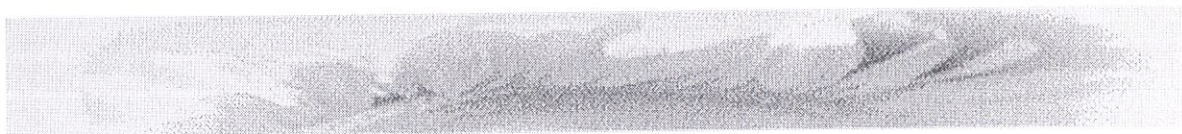
q. Permitted users acknowledge and agree that they will be solely responsible for all royalties or charges which are due or may become due on material used for or during an event. The facility user warrants to the Cumberland Recreation Department that such royalties or charges have been paid or will be paid promptly in accordance with law. The permitted facility user further agrees to hold the Town of Cumberland harmless and to indemnify both for all costs or losses, including attorney's fees in defense claims, just or unjust, relating to payment of any royalty, charge or fee for use of material by the permitted user during the use of Twin Brook facilities.



**Nadeen Daniels**

---

**From:** Nadeen Daniels  
**Sent:** Thursday, July 08, 2004 8:43 AM  
**To:** 'jandrews@filler.com'  
**Subject:** Twin Brook



Mr. Andrews,

Bill Shane has forwarded your email to me. The Town Council's Nominating Committee is meeting this evening to conduct short interviews with interested applicants. Can you be available for a short interview at 5:30?

Thank you,  
Nadeen Daniels  
Town Clerk

## Nadeen Daniels

---

**From:** William Shane  
**Sent:** Thursday, July 08, 2004 7:17 AM  
**To:** Nadeen Daniels  
**Subject:** FW: Twin Brook Board

William R. Shane, P.E.  
Town Manager  
290 Tuttle Road  
Cumberland, Maine 04021

(207) 829-2205 Phone  
(207) 829-2224 FAX  
wshane@cumberlandmaine.com

-----Original Message-----

From: John Andrews [mailto:jandrews@filler.com]  
Sent: Wednesday, July 07, 2004 5:43 PM  
To: William Shane  
Cc: Bill Landis  
Subject: Twin Brook Board

Hi Bill(s),

I am willing to serve on the Twin Brook Board that is being formed, if you are still looking for volunteers. Please let me know if that is of interest to you.

John H. Andrews, CPA  
Filler & Associates, P.A.  
P.O. Box 4177  
Portland, ME 04101-0377  
Phone: (207) 772-0153 Ext. 224  
Fax: (207) 761-4013





# TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-5559 • Fax (207) 829-2214

---

July 15, 2004

Mr. Glenn Hutchins  
7 Crestwood Road  
Cumberland, ME 04021

Dear Glenn:

At its recent meeting of July 12, 2004, the Town Council approved your nomination to the Twin Brooks Advisory Committee.

A meeting has been scheduled for Thursday, July 22<sup>nd</sup>, at Town Hall at 7:00 p.m. I have attached a second copy of the committee information and an appointment order for your official records. Please stop by the Clerk's office to sign an oath of office prior to the first meeting.

For future reference, your staff contact is Recreation Director Bill Landis, who can be reached at 829-2208. Congratulations on your appointment and thank you for serving the Town of Cumberland.

Sincerely,

Nadeen Daniels, CMC  
Town Clerk

CC: William Shane, Town Manager  
Nominating Committee  
Bill Landis



# TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-5559 • Fax (207) 829-2214

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July 15, 2004

Mr. Mark Robinson  
388 Main Street  
Cumberland, ME 04021

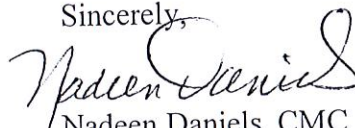
Dear Mark:

At its recent meeting of July 12, 2004, the Town Council approved your nomination to the Twin Brooks Advisory Committee.

A meeting has been scheduled for Thursday, July 22<sup>nd</sup>, at Town Hall at 7:00 p.m. I have attached a second copy of the committee information and an appointment order for your official records. Please stop by the Clerk's office to sign an oath of office prior to the first meeting.

For future reference, your staff contact is Recreation Director Bill Landis, who can be reached at 829-2208. Congratulations on your appointment and thank you for serving the Town of Cumberland.

Sincerely,

  
Nadeen Daniels, CMC  
Town Clerk

CC: William Shane, Town Manager  
Nominating Committee  
Bill Landis





# TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-5559 • Fax (207) 829-2214

---

July 15, 2004

Mr. John Eldredge  
214 Pleasant Valley Road  
Cumberland, ME 04021

Dear John:

At its recent meeting of July 12, 2004, the Town Council approved your nomination to the Twin Brooks Advisory Committee.

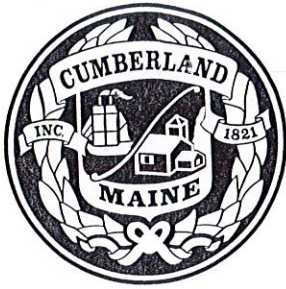
A meeting has been scheduled for Thursday, July 22<sup>nd</sup>, at Town Hall at 7:00 p.m. I have attached a second copy of the committee information and an appointment order for your official records. Please stop by the Clerk's office to sign an oath of office prior to the first meeting.

For future reference, your staff contact is Recreation Director Bill Landis, who can be reached at 829-2208. Congratulations on your appointment and thank you for serving the Town of Cumberland.

Sincerely,

Nadeen Daniels, CMC  
Town Clerk

CC: William Shane, Town Manager  
Nominating Committee  
Bill Landis



# TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-5559 • Fax (207) 829-2214

---

July 15, 2004

Mr. Peter Gordon  
9 Farms Edge Way  
Cumberland, ME 04021

Dear Peter:

At its recent meeting of July 12, 2004, the Town Council approved your nomination to the Twin Brooks Advisory Committee.

A meeting has been scheduled for Thursday, July 22<sup>nd</sup>, at Town Hall at 7:00 p.m. I have attached a second copy of the committee information and an appointment order for your official records. Please stop by the Clerk's office to sign an oath of office prior to the first meeting.

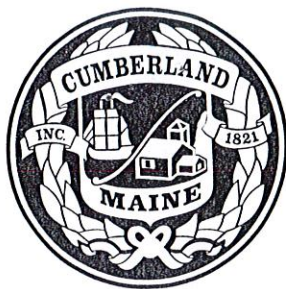
For future reference, your staff contact is Recreation Director Bill Landis, who can be reached at 829-2208. Congratulations on your appointment and thank you for serving the Town of Cumberland.

Sincerely,

Nadeen Daniels, CMC  
Town Clerk

CC: William Shane, Town Manager  
Nominating Committee  
Bill Landis





# TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-5559 • Fax (207) 829-2214

---

July 15, 2004

Mr. Jon Seamans  
145 Greely Road  
Cumberland, ME 04021

Dear Jon:

At its recent meeting of July 12, 2004, the Town Council approved your nomination to the Twin Brooks Advisory Committee.

A meeting has been scheduled for Thursday, July 22<sup>nd</sup>, at Town Hall at 7:00 p.m. I have attached a second copy of the committee information and an appointment order for your official records. Please stop by the Clerk's office to sign an oath of office prior to the first meeting.

For future reference, your staff contact is Recreation Director Bill Landis, who can be reached at 829-2208. Congratulations on your appointment and thank you for serving the Town of Cumberland.

Sincerely,

Nadeen Daniels, CMC  
Town Clerk

CC: William Shane, Town Manager  
Nominating Committee  
Bill Landis



# TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-5559 • Fax (207) 829-2214

---

July 15, 2004

Mr. John Andrews  
50 Shady Run Lane  
Cumberland, ME 04021

Dear John:

At its recent meeting of July 12, 2004, the Town Council approved your nomination to the Twin Brooks Advisory Committee.

A meeting has been scheduled for Thursday, July 22<sup>nd</sup>, at Town Hall at 7:00 p.m. I have attached a second copy of the committee information and an appointment order for your official records. Please stop by the Clerk's office to sign an oath of office prior to the first meeting.

For future reference, your staff contact is Recreation Director Bill Landis, who can be reached at 829-2208. Congratulations on your appointment and thank you for serving the Town of Cumberland.

Sincerely,

Nadeen Daniels, CMC  
Town Clerk

CC: William Shane, Town Manager  
Nominating Committee  
Bill Landis





# M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE

290 TUTTLE ROAD

CUMBERLAND, MAINE 04021

TEL: 207-829-2204 FAX: 829-2224

---

**To:** William R. Shane, Town Manager  
**From:** William Healey, Town Assessor  
**Date:** July 8, 2004  
**Re:** Rate for Tax Year 2004-2005

Dear Bill,

Thanks to a valuation increase of nearly 21 million over last year, I am pleased to recommend a tax rate of \$19.20 per thousand for the Town's Fiscal 2005 Tax Year. Please see me if you have any questions or concerns.

TO: BILL SHANE  
FROM: MELODY MAIN  
DATE: July 8, 2004  
RE: TAX ANTICIPATION NOTES

---

I have requested a tax anticipation note borrowing of 2,000,000. The reason we need these funds is due to cash flow cycles. Our fund balance barely covers our deficit funds. The taxes collected March 15<sup>th</sup> cover the period of January thru June. We run out of funds around January/February and the taxes are not collected for that period until March. The same thing happens for the period July thru June.



**ORDER AUTHORIZING CONTRACT WITH THE TOWN OF YARMOUTH FOR  
SHARED CODE ENFORCEMENT OFFICER SERVICES**

**ORDERED**, that the Town Manager is hereby authorized to negotiate with the Town of Yarmouth and to enter into an agreement for a shared Code Enforcement Officer, with expenses to be shared between the Towns on a pro rata basis.

Be it further ordered that the current Code Enforcement Officer shall not be reappointed to a subsequent one-year term in order to allow the implementation of the shared Code Enforcement Officer agreement with the Town of Yarmouth.

---

# **EMPLOYEE WAGES AND BENEFITS REIMBURSEMENT** **AGREEMENT FOR SHARED CODE ENFORCEMENT** **OFFICER**

(revised 7/6/04)

Whereas, the Town of Cumberland and the Town of Yarmouth desire to share the services of one Municipal Code Enforcement Officer (CEO), and

Whereas, Cumberland finds it to be advantageous to contract with the Town of Yarmouth for Yarmouth to employ the CEO and pay all necessary wages and benefits for his/her services, and

Whereas, Yarmouth finds it to be advantageous to employ the CEO and contract with the Town of Cumberland for a fair share of his/her professional services, time, expertise, and certification,

Now, therefore, be it agreed as follows:

## **A. YARMOUTH AGREES:**

1. The Town of Yarmouth shall employ a CEO on a full time basis and provide wages and benefits as provided generally for full time municipal salaried staff and in particular as provided in Attachment A hereto, which is hereby incorporated as part of this Agreement.
2. The Town of Yarmouth agrees to adjust the salary, wages and benefit packages for the CEO from time-to-time in the same manner and degree as would otherwise be generally applicable to full-time employees of the Town of Yarmouth of similar professional status and training, longevity, and job performance; and to make such other compensation adjustments as may be mutually agreeable between the Town Managers of Yarmouth and Cumberland.
3. Yarmouth further agrees that the CEO shall devote approximately 50% of his/her work time, efforts, and attentions to the duties and responsibilities of the Code Enforcement and land use regulatory administration-related functions of the CEO office on behalf of the Town of Cumberland, including time spent at meetings, required appearances in court, providing information and advice to citizens and municipal officials, State agencies, vendors, and other persons with interests and activities pertaining to the code enforcement and land use regulatory functions of the Town of Cumberland.



**B. CUMBERLAND AGREES:**

1. The Town of Cumberland agrees to reimburse the Town of Yarmouth on a monthly basis for its fair share of the employee benefits and indirect costs paid by the Town of Yarmouth on behalf of the CEO as provided in Attachment A, hereto.
2. Cumberland agrees that Attachment A may be amended from time-to-time as provided in Section A (3) of this agreement and that Cumberland shall adjust its monthly reimbursement payments to the Town of Yarmouth accordingly.
3. Cumberland further agrees that the CEO shall devote approximately 50% of his/her work time, efforts, and attentions to the duties and responsibilities of the Code Enforcement and land use regulatory administration related functions of the CEO office on behalf of the Town of Yarmouth, including time spent at meetings, required appearances in court, providing information and advice to citizens and municipal officials, State agencies, vendors, and other persons with interests and activities pertaining to the code enforcement and land use regulatory functions of the Town of Yarmouth.

**C. BOTH TOWNS AGREE AS FOLLOWS:**

1. In the event that the CEO shall be terminated from employment for any reason other than cause, (including but not limited to budget reductions or lack of work), Yarmouth shall provide to the terminated CEO a minimum of six weeks full pay times which shall be apportioned between the two towns based on the fair share percentages as provided in Attachment A hereto.
2. Both towns agree that the CEO shall be an employee of the Town of Yarmouth for all payroll purposes, but shall be separately acting as the agent of each municipality in the discharge of his/her duties and responsibilities as municipal agent and Code Enforcement Officer in each Town. Each municipality shall independently qualify and appoint the CEO for the purposes of statutory and local ordinance authorization, which appointment shall be made subject to the terms of this Agreement. An appeal taken under the ordinance of either town on an action or decision of the CEO acting as an agent or as CEO in that community shall not be a cause of action or basis of appeal in the other community.
3. Each community shall be individually responsible for providing office space, furniture, equipment and support, legal counsel and defense costs, mapping and publication of codes, ordinances, decisions, notices of hearings and appeal procedures. Each town shall individually provide such additional support for mapping, computer systems, printing, mailing,

and other necessary resources and functions as the town shall deem necessary and prudent for the proper administration of the code enforcement and land use regulatory functions in its community.

3. Liability Insurance

Both towns agree they will cause their insurers to communicate and determine that insurances are adequate, coordinated and leave no gaps in coverage.

4. Termination of Agreement

Either town may terminate this Agreement by giving advance written notice to the other town in accordance with the following schedule:

- a. If the position of CEO is vacant at the time the notice is given, written notice of termination shall be given not less than 2 weeks in advance of the effective date of the termination.
- b. If the position of CEO is not vacant at the time the notice of termination is given, written notice shall be a minimum of 8 weeks in advance of the effective date of the termination.

In the event of a termination under this section, neither Town shall have any ongoing obligation to the other after the effective date of the termination. Each Town shall remain responsible for its share of costs accrued prior to the effective date of termination.

- D. This Agreement constitutes the entire agreement between the towns. If any clause, section, or provision is held to be invalid or unenforceable, that shall not effect the entire agreement and the two towns agree to meet and negotiate a new clause, section, provision or agreement.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

By \_\_\_\_\_  
Nathaniel J. Tupper, Town Manager  
Town of Yarmouth

By \_\_\_\_\_  
William R. Shane, Town Manager  
Town of Cumberland



## Attachment A

Revised 6/28/04

Position Title	Annual Salary or Wage	Cumberland Fair Share-%	Cumberland Fair Share-\$	Yarmouth Fair Share-%	Yarmouth Fair Share-\$
<b>Code Enforcement</b>	\$58,400	50%	\$29,200	50%	\$29,200
Retirement (6%)	\$3,504	50%	\$1,752	50%	\$1,752
Health Insurance	\$14,467	50%	\$7,234	50%	\$7,234
Dental Insurance	\$394	50%	\$197	50%	\$197
Life Insurance and IP (.132%)	\$77	50%	\$39	50%	\$39
Income Protection (STD)	n/a	50%	n/a	50%	n/a
Long Term Disability	n/a	50%	n/a	50%	n/a
FICA (7.65%)	\$4,468	50%	\$2,234	50%	\$2,234
Workers comp (.0041)	\$239	50%	\$120	50%	\$120
Unemployment- .5%	\$292	50%	\$146	50%	\$146
Subtotal	\$81,841		\$40,921		\$40,921
Administrative Fee- to Yarmouth					\$4,092
					\$45,013
				Rounded	\$45,000
		Cumberland pays-----		Monthly	\$3,750





Joseph J. Charron  
Chief

*CUMBERLAND POLICE DEPARTMENT*

290 Tuttle Road  
Cumberland, Maine 04021

*"To Protect and Serve"*

Emergency  
829-3120

Business  
829-6391

Fax  
829-4214  
829-2211

MEMORANDUM

To: Ms. Nadeen Daniels

From: Chief charron

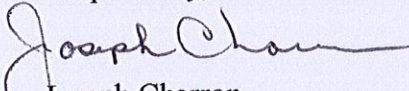
Re: Attached donation

Date: July 8, 2004

Dear Nadeen,

Attached please find a check in the amount of \$2000.00 representing a donation to the Cumberland Police Department. Could you be so kind as to place this on the next council agenda. It is my understanding that the council will have to vote to accept it. If it is accepted the donation will be placed into our drug education account and used to provide support to various student programs within the community. I will be sending a letter to the Gormans expressing our appreciation of their very generous donation.

Respectfully,

  
Joseph Charron  
Chief of Police



JAMES W. GORMAN  
MAUREEN M. GORMAN  
74 FORESIDE RD. PH. 207-781-5757  
CUMBERLAND FORESIDE, ME 04110

8708

52-60/112  
177

Date July 3-04

Pay to the  
Order of Cumberland Police Dept \$ 2000 <sup>00</sup>/<sub>100</sub>

Two thousand and <sup>00</sup>/<sub>100</sub> Dollars  Security features  
are included  
Details on back



KeyBank National Association  
Portland, Maine 04101

PrivateBank 1-888-639-7200

For donation for watching home:

Maureen Gorman MP

⑆011200608⑆

700496623 8708

GUARDIAN® SAFETY YELLOW ORBYE



Dear Bill,

7-6-04

Please pass along my sincere thanks to the members of the town council for the flowers sent to our family. It was such a kind gesture during a difficult time... that bit of sunshine poking through the clouds. Many thanks.

Sincerely,

Pam & Steve Moriarty



# Cumberland Fire Department

366 Tuttle Road, Cumberland Center, Maine 04021

Emergency 911

Business 829-5421

Fax 829-4256

Email [dsmall@cumberlandmaine.com](mailto:dsmall@cumberlandmaine.com)

---

**Daniel R. Small**  
Chief

## REPORT FOR JUNE 2004

The Cumberland Fire Department responded to 37 incidents during the month of June, 2004. Mutual Aid was given thirteen times, and received five times.

In the month of June, the Fire Department provided coverage at the Greely High School for the events surrounding graduation; including Class Day, Candlelight, and the Graduation ceremony. We once again participated in the send-off for the graduating seniors, giving them a parade of fire trucks down Main Street on their way out of town following graduation.

On June 12<sup>th</sup> Squad 1 provided coverage at Portland Central Station during their Jetport Mass Casualty Incident Drill.

On June 26<sup>th</sup>, the Fire Department participated in live fire training at an acquired structure on Main Street. Each company was able to perform the task assignments of Attack, Back Up, Ladder/Ventilation, Search and Rescue, and Rapid Intervention. This training is an extremely valuable asset to our personnel, who are able to get hands on training in controlled, but realistic conditions that they may meet at the scene of an actual structure fire. Councilor Porter participated in the first fire evolution, and Captain Putnam educated the crowd of onlookers gathered across the street on the Fire Department operations taking place around the building.

On June 27<sup>th</sup>, the Fire Department responded to a reported structure fire on Gray Road. The caller reported flames coming from a window in the residence. The Fire Department arrived on scene to find that a candle had been left unattended in the residence and had ignited the curtains. The fire was contained to the area of the table that the candle was burning on. The residence was ventilated and the table was removed from the residence.

Mainland training for the month of June was Engine Company Operations. The Technical Rescue training for the month was an extrication exercise; firefighters were able to get hands on training with the extrication equipment thanks to Cumberland Auto Salvage, who donated a vehicle for training purposes. The Chebeague Island Station personnel participated in a portable pump relay for their monthly training.

Chief Small worked diligently throughout the month with the representatives from the new Middle School and the Chebeague Island Inn to complete final inspections and walkthroughs so the buildings can be approved for occupancy.

Deputy Chief Copp and PAO Kloth participated in a two-part training with the Yarmouth Fire Department covering Mass Casualty Incidents. The training was scheduled prior to the Yarmouth Clam Festival to give personnel an opportunity to prepare in the event of a large scale incident during the event. This training is as a result of the Regional Training Officers Committee meetings that they have been attending over the last several months. This committee is working to improve the level of training, share costs, and offer our members more training opportunities in a variety of areas. The towns of Yarmouth, Freeport, Cumberland, Pownal, Gray, and Falmouth are currently participating in this effort.

# CUMBERLAND FIRE DEPARTMENT

2004 RUN STATISTICS AS OF JUNE 30, 2004

**LEGEND-** LYT = Last Year Total  
YTD = Year to Date

LYTD = Last Year to Date  
TFCM = Total for Current Month

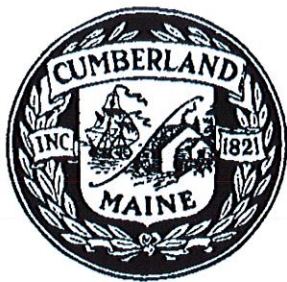
## NUMBER OF RUNS ASSIGNED PER COMPANY

		LYT	LYTD	YTD	TFCM
Engine 1	=	129	054	071	010
Engine 2	=	105	052	056	004
Engine 3	=	122	056	072	009
Engine 4	=	018	005	015	004
Engine 5	=	108	054	068	007
Engine 6	=	002	002	006	002
Engine 8	=	005	002	009	003
Engine 9	=	002	002	006	002
Engine 17	=	018	002	002	000
Forestry 2	=	004	002	007	000
Ladder 7	=	138	066	081	007
Marine 1	=	000	000	000	000
Squad 1	=	221	104	117	016
Tank 1	=	002	002	006	002
FF/EMT	=	093	056	043	003
FD/PD	=	---	030	045	006

## TYPE OF INCIDENTS REPORTED

		LYT	LYTD	YTD	TFCM
Structure Fire/Smoke in bldg.	=	020	008	024	002
Chimney Fire	=	007	006	005	000
Motor Vehicle Crash	=	063	029	016	003
Vehicle Fire	=	015	005	001	000
Mutual Aid	=	069	036	042	007
RIT	=	017	013	031	006
Fire Alarm Activation	=	058	022	024	005
Flammable Liquid Spills	=	004	002	002	000
Grass/Brush/Woods Fire	=	021	012	027	004
Water Rescue	=	000	000	001	000
EMS	=	094	049	035	002
Carbon Monoxide	=	005	003	006	000
Water Problem	=	007	005	009	000
Outside Electrical Problem	=	038	015	007	001
Public Assistance	=	019	010	008	000
LP Gas Problem	=	002	002	002	000
Interior Electrical Problem	=	004	001	005	000
Station Staffing	=	003	001	000	000
Outside Event Coverage	=	031	014	017	004
Other	=	006	005	004	003
<b>TOTALS</b>	<b>=</b>	<b>483</b>	<b>238</b>	<b>266</b>	<b>037</b>





TOWN MANAGER'S OFFICE  
TOWN OF CUMBERLAND, MAINE

CUMBERLAND, MAINE 04021

LETTER OF COMMENDATION

July 6, 2004

Mr. Bert Copp  
Public Works Department  
Cumberland, Maine 04021

Re: Performance Above and Beyond Job Requirements

Dear Bert:

On behalf of the Town and the Town Council I would like to personally thank you for your efforts involved in the fuel spill at Mile 56 on the Maine Turnpike this past weekend. Your quick efforts and outstanding equipment abilities may have saved hundreds of wells from being contaminated in West Cumberland.

Your quick response and willingness to help was very much appreciated by Chief Small and his staff. The impacts from such a potential contamination are felt for decades and the costs are incredible. Thank you for your commitment to your Department and to the citizens of the Town of Cumberland.

Sincerely,

William R. Shane  
Town Manager

cc: Town Council  
Chief Dan Small  
Adam Ogden, Director of Public Works

FILED JUL 08

# Maine State Time Trial Series

\* 1. Bethel Time Trial; May 2, 2004

Bethel - phone 623-4511 [BCM@bikemaine.org](mailto:BCM@bikemaine.org)

\* 2. Midcoast Time Trial; May 9, 2004

Camden - phone 236-0377 [Browndog@midcoast.com](mailto:Browndog@midcoast.com)

3. Damariscotta Time Trial; May 16, 2004

Damariscotta - phone 563-3477 YMCA, Dave or Chuck [clcymca@lincoln.midcoast.com](mailto:clcymca@lincoln.midcoast.com)

\* 4. Midcoast Time Trial; June 13, 2004

Camden - phone 236-0377 [Browndog@midcoast.com](mailto:Browndog@midcoast.com)

\* 5. Auburn Time Trial; June 27, 2004

Auburn - phone 784-7576 [www.rainbowbike.com](http://www.rainbowbike.com)

\* 6. Midcoast Time Trial; July 25, 2004

Camden - phone 236-0377 [Browndog@midcoast.com](mailto:Browndog@midcoast.com)

\* 7. SMCC Time Trial; Aug 1, 2004

Saco - phone 773-1700 [info@gorhambike.com](mailto:info@gorhambike.com)

\* 8. Hinckley Time Trial; Aug.8, 2004

Hinckley - phone 465-7564 [BCM@bikemaine.org](mailto:BCM@bikemaine.org)

\* 9. PVC Time Trial; Aug. 15, 2004

Cumberland Center - phone 846-3214 [www.portlandvelo.com](http://www.portlandvelo.com)  
(changed from Pineland, New Gloucester)

\* 10. Midcoast Time Trial; Aug. 29, 2004

Camden - phone 236-0377 [Browndog@midcaost.com](mailto:Browndog@midcaost.com)

11. Damariscotta Time Trial; Sept.19, 2004

Damariscotta - phone 563-3477 YMCA, Dave or Chuck [clcymca@lincoln.midcoast.com](mailto:clcymca@lincoln.midcoast.com)

\*12. Pineland Maine State Time Trial Finals; Sept. 26, 2004

New Gloucester. USCF sanctioned race. 1 day license available at registration.

Sponsored by:

Rainbow Bike Shop, 784-7576, [www.rainbowbike.com](http://www.rainbowbike.com)

Gorham Ski and Bike, 773-1700, [info@gorhambike.com](mailto:info@gorhambike.com)

Cyclemania. 774-2933, [www.portlandvelo.com](http://www.portlandvelo.com)

Barbeque and season awards will follow

\* 10 races that qualify for overall standings

How do I qualify for the overall?

To qualify for the overall, a rider must compete in 8 of the 10 designated events. At each event, each rider will receive points based on how they finished in their age group, as well as in the overall. Each rider will be scored based on the position. First place will score 10 points, and 10th



place will score 1 point. At the end of the season the scores will be tabulated, highest score wins. In the Maine State Finals, the points will be doubled; first place gets 20 points, 10th place gets 2 points.

At the end of the season, the score will be tabulated and there will be awards given to the top 3 in each age group, as well as a single overall winner, male and female.

The age groups are as follows:

Women 17 & under

Women 18 - 34

Women 35 - 44

Women 45 - 54

Women 55 +

Men 17 & under

Men 18 - 34

Men 45 - 54

Men 55 - 64

Men 65 +



July 1, 2004

Dear Chamber Member:

On the reverse side is a ballot for the election of your Regional Chamber's Board of Directors and Officers to fill vacancies for the terms indicated. ***(This is not a ballot for elections for the local Community Chambers).*** Board seat allocations represent the individual and collective interests of all of our Community Chamber partners.

You may vote for the entire slate as presented, individual candidates only, or write in candidates.

We would appreciate your returning your ballot to us at:  
Portland Regional Chamber  
60 Pearl Street  
Portland, ME. 04101  
***or by fax to 772-1179.***

Ballots must be received no later than 5 PM, Monday, August 9, 2004. Results of these elections will be announced in *Business Perspectives*, September edition.

Thank you in advance for your participation.

Sincerely,

Godfrey Wood, CEO



**Ballot**  
**Candidates for the Board of Directors**  
**Portland Regional Chamber**  
**2004-2005**



Please vote for the candidates of your choice for vacant seats, the entire slate, or write in other candidates.

**Officers-Term expiring 2006**

- \_\_\_\_ Chair: **Rich Donaldson**, L.L. Bean, Inc.  
 \_\_\_\_ Vice Chair: **Peter Ventre**, Rockwater Capital Management  
 \_\_\_\_ Treasurer: **Bill Caron**, MaineHealth  
 \_\_\_\_ Immediate Past President: **David Warren**, Verrill & Dana

**Chair Appointees: Term expires 2006 (non voting)\***

- \_\_\_\_ **Jeanne Hult**, Citizens Bank  
 \_\_\_\_ **David Brenerman**, UnumProvident

**At Large Directors-Term expiring 2007**

- \_\_\_\_ **Mark Maroon**, Allied Home Mortgage, Scarborough  
 \_\_\_\_ **Jessica Roy**, Wright Express, South Portland/Cape Elizabeth  
 \_\_\_\_ **Veronica Seaman**, Seligman Data Corp, South Portland/Cape Elizabeth  
 \_\_\_\_ **Erin Hoeftinger**, Anthem Blue Cross and Blue Shield, South Portland/Cape Elizabeth  
 \_\_\_\_ **Jim Harnden**, Ram Harden Commercial Real Estate, Portland  
 \_\_\_\_ **Kathy MacVane**, Maine Business Furniture, Portland

OR:

- \_\_\_\_ I approve the entire slate

OR:

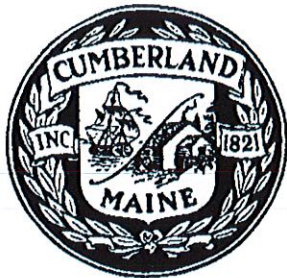
Write In Candidates:

In addition the following have been appointed to the Board as President or President's designee of their Community Chambers:

- Jim Castonguay**, Coffee News, **Falmouth/Cumberland**  
**Craig Young**, CB Richard Ellis/The Boulos Co., **Portland**  
**Tim Byrne**, Timothy P. Byrne Photography, **Scarborough**  
**Fawn Dunphy**, Chiropractic Healing Arts, designee of Michael Vaillancourt, Esq., **South Portland/Cape Elizabeth**  
**Doug Jones**, Maine Bank & Trust, designee of Ray Richardson, **Westbrook**

Signed: Name: \_\_\_\_\_  
 Print name: \_\_\_\_\_  
 Business: \_\_\_\_\_  
 Street: \_\_\_\_\_  
 City: \_\_\_\_\_

**Fax to Chamber at 772-1179, or mail to 60 Pearl Street, Portland, ME 04101**



TOWN MANAGER'S OFFICE  
TOWN OF CUMBERLAND, MAINE

CUMBERLAND, MAINE 04021

**FIRE DEPARTMENT  
LETTER OF COMMENDATION**

July 6, 2004

Chief Daniel Small  
Fire Department  
Cumberland, Maine 04021

Re: Performance Above and Beyond the Call of Duty

Dear Bert:

On behalf of the Town and the Town Council I would like to personally thank you and your Team for your efforts involved with the fuel spill at Mile 56 on the Maine Turnpike this past weekend. Your quick efforts and outstanding performance avoided a potentially catastrophic event for the residents of West Cumberland. 1 gallon of fuel has the potential to contaminate 1 million gallons of groundwater. The 400 gallons of spill you contained resulted in the protection of over **400 Million Gallons of groundwater**. That represents water to 5,500 homes that use 200 gallons per day of water for the entire year.

Training not only saves lives, but protects the quality of life for all of our residents. You and your Team should feel very proud of this "**Save**". Please express the Town Council's sincere gratitude and my personal thanks for the type of commitment exhibited by your Team. The impacts of such a contamination lasts life times and your efforts this past weekend, once again made our Town safer and protected a significant natural resource.

Outstanding job and well done!

Sincerely,

William R. Shane  
Town Manager

cc: Town Council

**FILED JUL 08**



Motion made by Councilor Moriarty to appoint (at the next council meeting) a committee to work with the Town Manager to consider and prepare an application to the LMF program; and appoint after the closing a larger vision committee;

Seconded by Councilor Damon. Councilor Stiles stressed that the committee be represented by hunters, conservationists and property owners.

VOTE: UNANIMOUS

TIME: 8:45 p.m.

- 03 – 066.** To set interest rate to be charged on delinquent 03/04 sewer fees and real and personal property taxes.

Motion by Councilor Storey to set at <sup>6.5</sup>7% the interest rate to be charged on delinquent 2003/04 sewer fees and real and personal property taxes;

Seconded by Councilor Stiles.

VOTE: UNANIMOUS 7-0

- 03 – 067.** To authorize application of real estate tax payments to the oldest unpaid tax.

Motion by Councilor Stiles to authorize the application of real estate tax payments to the oldest unpaid tax;

Seconded by Councilor Damon.

VOTE: UNANIMOUS 7-0

- 03 – 068.** To set rate at which interest will be paid on overpayment of real estate taxes.

Motion by Councilor Stiles to set at <sup>2.5</sup>3% the interest rate to be paid on the overpayment of real estate taxes;

Seconded by Councilor Storey.

VOTE: UNANIMOUS 7-0

- 03 – 069.** To authorize Town Manager to accept payment of foreclosed real estate taxes and issue a quitclaim deed for property designated as Map R07, Lot 41A.

Motion by Councilor Savasuk to authorize the Town Manager to accept payment of foreclosed real estate taxes and issue a quitclaim deed to the owners of record for property designated as Map R07, Lot 41A;

Seconded by Councilor Damon.

VOTE: UNANIMOUS 7-0

- 03 – 070.** To set tax rate at \$18.03 for FY 2003/04.

Motion by Councilor Moriarty to set the tax rate at \$18.03 for FY 2003/04;

Seconded by Councilor Kuntz.

VOTE: UNANIMOUS 7-0

Cumberland town hearing 7/1/04 4:22 PM Page 1

**CUMBERLAND TOWN COUNCIL  
PUBLIC HEARING NOTICE  
MONDAY, July 12, 2004**

The Cumberland Town Council will meet in the Town Council Chambers, 290 Tuttle Road, on Monday, July 12, 2004, to consider and act on agenda items which include, but may not be limited to, the following:

- An amendment to Sections 204.6 and 204.7 of the Cumberland Zoning Ordinance, to except home occupations from site plan review;
- To establish a new location for the mainland polling place;
- To set the municipal tax rate for FY 2004/05;
- To set interest rate to be charged on delinquent sewer fees and real and personal property taxes;
- To authorize application of real estate tax payments to the oldest unpaid tax;
- To set rate at which interest will be paid on overpayment of real estate taxes;
- To authorize the Town Manager to borrow \$2 million in Tax Anticipation Notes
- To consider the discontinuation of winter maintenance service on certain private roads
- Discussion regarding the use of the Curit property, Chebeague Island
- Authorizing contract with the Town of Yarmouth for shared Code Enforcement Officer services

A complete agenda may be obtained at the Office of the Town Manager. Interested parties are invited and encouraged to attend. An opportunity for public comment will be provided.



Nadeen:

+2-04

829-2224

Diane  
The Forecaster

CUMB-009756 7/2/04 10:54 AM Page 1

**CUMBERLAND TOWN COUNCIL  
WORKSHOP MEETING NOTICE  
THURSDAY, JULY 15, 2004**

The Cumberland Town Council will hold an informal Workshop meeting, 7:00 p.m., Thursday, July 15, 2004, at the Cumberland Town Hall, 290 Tuttle Road, to consider a Pay-As-You-Throw municipal waste Program. The meeting will not be televised; however, the public is invited and interested residents are encouraged to attend.

-1/2

182

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 \*\*\* ACTIVITY REPORT \*\*\*  
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ST. TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
*07/07 02:01			6317	AUTO RX ECM	3	OK 00'59
*07/07 02:09			6318	AUTO RX ECM	4	OK 01'01
*07/07 02:16	207 846 1565		6319	AUTO RX G3	1	OK 00'47
*07/07 02:17	207 846 1565		6320	AUTO RX G3	1	OK 00'46
*07/07 02:30			6321	AUTO RX ECM	1	OK 01'31
*07/07 04:07	97812060		1633	TRANSMIT ECM	1	OK 00'34
*07/07 20:25			6322	AUTO RX ECM	2	OK 00'45
*07/07 21:45	97618587		1634	TRANSMIT ECM	12	OK 01'47
*07/07 23:22	98295373		1635	TRANSMIT ECM	2	OK 00'47
*07/08 00:31	2078295373		6323	AUTO RX ECM	4	OK 02'11
*07/08 02:01	918008137868		1636	TRANSMIT ECM	1	OK 00'32
*07/08 02:24	97813640		1637	TRANSMIT ECM	5	OK 00'47
*07/08 02:41	1 207 871 0384		6324	AUTO RX ECM	1	OK 00'29
*07/08 03:45	912072873424		1638	TRANSMIT ECM	2	OK 00'40
*07/08 04:12	912076265947	ME. MUNICIPAL AS	1639	TRANSMIT ECM	1	OK 00'22
07/08 21:38			6325	AUTO RX G3	1	OK 00'48
07/08 21:42	2077614798		6326	AUTO RX ECM	1	OK 00'27
07/08 23:22	2077873853	QCC	6327	AUTO RX ECM	3	OK 00'44
07/08 23:53	912076260513		1640	TRANSMIT ECM	1	OK 00'20
07/08 23:59	97812060		1641	TRANSMIT ECM	3	OK 00'52



## Town of Cumberland

Administration  
290 Tuttle Rd  
Cumberland, ME 04021  
Phone: 207-829-2205  
Fax: 207-829-2224  
Web: [www.cumberlandmaine.com](http://www.cumberlandmaine.com)



### Fax Transmittal Form

To

Dianne

Fax number:

781-2066

- ☐ Urgent  
☐ For Review  
☐ Please Comment  
☐ Please Reply

From

Nadeen

Phone: 207-829-2205  
Fax: 207-829-2224  
Web: [www.cumberlandmaine.com](http://www.cumberlandmaine.com)

Date sent: 7-8-04  
Time sent: 12:10pm  
Number of pages including cover page: 3

Message:

Dianne -

Here is a copy of both  
of the proofs you sent me.

Thanks

Nadeen

**CUMBERLAND TOWN COUNCIL**  
**PUBLIC HEARING NOTICE**  
**MONDAY, July 12, 2004**

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- To authorize the Town Manager to borrow \$2 million in Tax Anticipation Notes
- • To consider the discontinuation of winter maintenance service on certain private roads
- • Discussion regarding the use of the Curit property, Chebeague Island

A complete agenda may be obtained at the Office of the Town Manager. Interested parties are invited and encouraged to attend. An opportunity for public comment will be provided.



## Town of Cumberland

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290 Tuttle Rd  
Cumberland, ME 04021  
Phone: 207-829-2205  
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Web: [www.cumberlandmaine.com](http://www.cumberlandmaine.com)



### Fax Transmittal Form

To

Diane

Fax number:

781-2060

From

Nadeen Daniels

Phone: 207-829-2205

Fax: 207-829-2224

Web: [www.cumberlandmaine.com](http://www.cumberlandmaine.com)

- ☒ Urgent  
☐ For Review  
☐ Please Comment  
☐ Please Reply

Date sent: 7-01-04  
Time sent: 8:45 am  
Number of pages including cover page: 2

Message:

Hi Diane -

I've made 2  
additions to the 7-12-04  
Public Hearing notice.

Thanks  
Nadeen

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*PH re to W maint on pr rds  
Easement Deed for Cert prop*

*Deb-  
Don- 7/15  
Setup*

**CUMBERLAND TOWN COUNCIL  
WORKSHOP MEETING NOTICE**

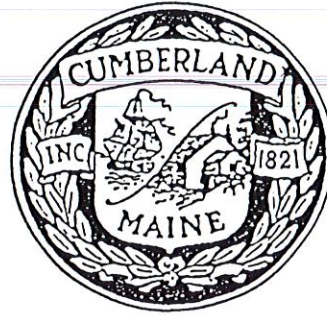
**THURSDAY, JULY 15, 2004**

The Cumberland Town Council will hold an informal Workshop meeting, *7:00 p.m., Thursday, July 15, 2004*, at the Cumberland Town Hall, 290 Tuttle Road, to consider a Pay-As-You-Throw municipal waste Program. The meeting will not be televised; however, the public is invited and interested residents are encouraged to attend.



## Town of Cumberland

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290 Tuttle Rd  
Cumberland, ME 04021  
Phone: 207-829-2205  
Fax: 207-829-2224  
Web: [www.cumberlandmaine.com](http://www.cumberlandmaine.com)



### Fax Transmittal Form

To

Dottie / Drane

Fax number:

781-2060

- ☒ Urgent  
☐ For Review  
☐ Please Comment  
☐ Please Reply

From

Madeen Daniels

Phone: 207-829-2205  
Fax: 207-829-2224  
Web: [www.cumberlandmaine.com](http://www.cumberlandmaine.com)

Date sent: 6-29-04  
Time sent: 4:45 PM  
Number of pages including cover page: 3

Message:

Hi -

Here are two ads  
for next week - Please  
confirm.

Thanks  
Madeen

**Department Head Meeting**

**June 23, 2004**

**East Conference Room**

**9:30 AM**

- I. Opening Announcements
- II. Budget Overview – 2005
  - a. Meeting with Public Works, Fire, Rescue, and Police to Discuss Capital Purchases for FY 2005
  - b. Attorney Budgets- USE MMA whenever possible
  - c. Pay Per Bag *7/15 WORKSHOP (\$3-4) vs (1-2) 11/01 implm*
- III. Council Items
- IV. Personnel Policy and Changes for July 1st *bring apies*
- V. CIP- Scoring Sheets- August 1
- VI. CIP Sheets from Dept. Heads- Sept. 1 *Electrons*
- VII. Annual Review Meeting Times *- Eval*
- VIII. Other Discussion-
- IX. Adjournment

*20-25% reduction*

*Wed- July 21st 9:30*



**ORDER AUTHORIZING CONTRACT WITH THE TOWN OF YARMOUTH FOR  
SHARED CODE ENFORCEMENT OFFICER SERVICES**

**ORDERED,** that the Town Manager is hereby authorized to negotiate with the Town of Yarmouth and to enter into an agreement for a shared Code Enforcement Officer, with expenses to be shared between the Towns on a pro rata basis.

7 Be it further ordered that the current Code Enforcement Officer shall not be reappointed to a  
7 subsequent one-year term in order to allow the implementation of the shared Code Enforcement  
Officer agreement with the Town of Yarmouth.

Te. N.

**FROM:** Town of Cumberland

**TO:** Media

**DATE:** July 15, 2004

**NOTICE:** Tonight's Solid Waste Advisory Committee & Town Council Special Meeting scheduled for 7:00 pm has been cancelled. Should the meeting be rescheduled, further notice will be sent.

Questions, please call: 829-2205



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 \*\*\* ACTIVITY REPORT \*\*\*  
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ST. TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
*06/25 23:22	2078296630	PRESS HERALD NEW	6290	AUTO RX	ECM	1 OK 00'51
*06/25 23:35	97813283		1589	TRANSMIT	ECM	1 OK 00'19
*06/25 23:36	97812060		1590	TRANSMIT	ECM	1 OK 00'30
*06/25 23:37	98466828		1591	TRANSMIT	ECM	1 OK 00'39
*06/25 23:38	97916920		1592	TRANSMIT	ECM	1 OK 00'18
06/26 00:07		CBRB YARMOUTH	6291	AUTO RX	G3	1 OK 00'47
06/26 01:51			6292	AUTO RX	ECM	1 OK 00'22
06/28 20:25	97430636		1593	TRANSMIT	ECM	1 OK 00'16
06/29 00:42	8888705462		6293	AUTO RX	ECM	1 OK 00'27
06/29 03:46	98464543		1594	TRANSMIT	ECM	1 OK 00'38
06/29 20:27	207 829 3743	ICMA-VANPT	6294	AUTO RX	ECM	1 OK 00'20
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						4
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06/30 01:09	93242167		1597	TRANSMIT	ECM	1 OK 00'17
06/30 01:32	912077274036		1598	TRANSMIT	ECM	11 OK 06'37
06/30 01:45	207 247 3007		6297	AUTO RX	ECM	4 OK 01'38
06/30 04:07	912029624601		1599	TRANSMIT	ECM	5 OK 02'18
06/30 04:44	97812060		1600	TRANSMIT	ECM	3 OK 00'48

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 \*\*\* ACTIVITY REPORT \*\*\*  
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ST. TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
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*06/30 04:44	97812060		1600	TRANSMIT ECM	3	OK 00'48
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06/30 05:20	97771473		1602	TRANSMIT ECM	1	OK 00'26
06/30 20:12	2078295373		6298	AUTO RX ECM	2	OK 01'12
06/30 20:25	97742994		1603	TRANSMIT ECM	3	OK 00'38
06/30 21:38	918888683539		1604	TRANSMIT	0	NG 00'00
					0	#018
06/30 22:21	916038804888		1605	TRANSMIT	0	NG 00'00
					0	STOP
06/30 22:23	96373637		1606	TRANSMIT ECM	2	OK 01'04
06/30 22:25	916038891630		1607	TRANSMIT ECM	1	OK 00'18
06/30 22:25	918566311020		1608	TRANSMIT ECM	2	OK 00'41
06/30 22:53	97812060		1609	TRANSMIT G3	0	NG 00'10
					0	STOP
06/30 22:53	207 799 5598		6299	AUTO RX ECM	2	NG 00'36
					2	STOP
06/30 22:55	97812060		1610	TRANSMIT ECM	2	OK 00'42
06/30 23:01	207 799 5598		6300	AUTO RX ECM	4	OK 00'51
06/30 23:26	97438357		1611	TRANSMIT ECM	4	OK 00'38
07/01 01:09	918178770324		1612	TRANSMIT ECM	2	OK 00'31
07/01 01:11	915852266463		1613	TRANSMIT ECM	2	OK 00'59
07/01 20:41	2078295916		6301	AUTO RX ECM	1	OK 00'26
07/01 20:44	97812060		1614	TRANSMIT ECM	2	OK 00'42



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 \*\*\* ACTIVITY REPORT \*\*\*  
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ST. TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
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*07/14 23:28	93536117		1670	TRANSMIT ECM	1	OK 00'31
*07/15 00:45	97757935		1671	TRANSMIT ECM	7	OK 01'05
*07/15 04:41	97918000		1672	TRANSMIT ECM	1	OK 00'23
*07/15 04:50	2078295373		6337	AUTO RX ECM	1	OK 00'43
*07/15 04:51	2078295373		6338	AUTO RX ECM	1	OK 01'30
*07/15 05:53	918566311020		1673	TRANSMIT ECM	1	OK 00'28
*07/15 05:55	918566311020		1674	TRANSMIT ECM	2	OK 00'41
*07/15 19:48	912023531134		1675	TRANSMIT ECM	2	OK 01'02
*07/15 20:07	97724096		1676	TRANSMIT ECM	2	OK 00'53
*07/15 20:59	912072873424		1677	TRANSMIT ECM	3	OK 00'55
07/15 21:57			6339	AUTO RX ECM	1	OK 00'47
07/15 23:02			6340	AUTO RX ECM	2	OK 00'37
07/15 23:14	914127743916		1678	TRANSMIT ECM	2	OK 00'41
07/15 23:23	97813283		1679	TRANSMIT ECM	1	OK 00'14
07/15 23:24	97812060		1680	TRANSMIT ECM	1	OK 00'21
07/15 23:25	98466828		1681	TRANSMIT ECM	1	OK 00'22
07/15 23:26	97916920	PRESS HERALD NEW	1682	TRANSMIT ECM	1	OK 00'14
07/15 23:41	912076260513		1683	TRANSMIT ECM	4	OK 00'41